

By Mr. FLOYD: Papers to accompany bills for relief of James H. Cowan and William F. Rea—to the Committee on Military Affairs.

By Mr. FRENCH: Petition of Boise City Typographical Union, No. 271, for the new copyright bills (S. 6330 and H. R. 19853)—to the Committee on Patents.

By Mr. FULKERSON: Petition of civil war veterans of St. Joseph, Mo., for bill H. R. 24544—to the Committee on Military Affairs.

By Mr. FULLER: Petition of the United Commercial Travelers' Association, for a system of interchangeable mileage books for the railways of the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles S. Croney, Hoopston, Ill., for an appropriation for a steel dry dock—to the Committee on Naval Affairs.

Also, petition of composers of music, for the copyright bills (S. 6330 and H. R. 19853)—to the Committee on Patents.

By Mr. GOULDEN: Paper to accompany bill for relief of Thomas Allen—to the Committee on Pensions.

Also, paper to accompany bill for relief of Alfred Miller—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of the United Commercial Travelers of America, for the Sherman mileage-rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Francis A. Howard, for an appropriation for experimental tests of signograph and semaphore safety devices—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Institute of Arts and Letters, for a liberal copyright law—to the Committee on Patents.

Also, petition of J. W. Vickerman, for the Garrett bill for right of railways to exchange transportation for advertising—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Petition of the United Commercial Travelers of America, for the Sherman mileage-rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HUFF: Petition of the United Commercial Travelers, for the Sherman interstate mileage bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KELIHER: Petition of the Springfield (Mass.) Board of Trade, for the Appalachian and White Mountains forest reservation—to the Committee on Agriculture.

Also, petition of the Springfield (Mass.) Board of Trade, for a uniform bill of lading—to the Committee on Interstate and Foreign Commerce.

By Mr. LAMB: Petition of the United Commercial Travelers of America, for the Sherman mileage-rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of the United Commercial Travelers of America, for an interchangeable system of mileage books for the railways of the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of the German-American Peace Society, for an appropriation of \$1,000 in aid of the International Peace Bureau in Berne—to the Committee on Foreign Affairs.

Also, petition of McLaughlin Brothers, for an amendment in the copyright bill favoring the lithographic trade—to the Committee on Patents.

By Mr. McCALL: Petition of the Boston Wholesale Oyster Dealers' Association, against restriction of the oyster trade by provisions of the pure-food law—to the Committee on Agriculture.

By Mr. McNARY: Paper to accompany bill for relief of Edward H. Emerson—to the Committee on Invalid Pensions.

Also, petition of the Springfield (Mass.) Board of Trade, for a uniform bill of lading—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Springfield (Mass.) Board of Trade, for the Appalachian and White Mountain forest reserves—to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: Petition of Liberty Centennial Lodge, No. 76, Independent Order of Free Sons of Israel, for a full inquiry into the status of the immigration question—to the Committee on Immigration and Naturalization.

Also, petition of the National Institute of Arts and Letters, for the copyright law—to the Committee on Patents.

Also, petition of William R. Rau, against the clause in the copyright bill inimical to American photography—to the Committee on Patents.

By Mr. NORRIS: Petition of voters and residents of Wood River, Nebr., against reduction of allowance to railways for carrying the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERSTREET of Indiana: Petition of the United

Commercial Travelers of America, for a system of mileage books for all the railways of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. RIORDAN: Petition of the German-American Peace Society, for an appropriation for an international peace bureau in Berne—to the Committee on Foreign Affairs.

By Mr. ROBINSON of Arkansas: Petition of the Board of Trade of Pine Bluff, Ark., in favor of reciprocal demurrage—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of Bookbinders' Local Union No. 17, International Brotherhood of Bookbinders, for bills S. 5469 and H. R. 17502, for investigation of the condition of woman and child workers in the United States—to the Committee on Labor.

By Mr. SCHNEEBELI: Petition of E. T. Conner Post, No. 177, Grand Army of the Republic, Department of Pennsylvania, against abolition of the pension agencies—to the Committee on Appropriations.

Also, petition of the United Commercial Travelers, for the Sherman mileage-rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of the United Commercial Travelers of America, for a system of mileage books for all the railways in the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of the German-American Peace Society, for an appropriation of \$1,000 for the support of the International Peace Bureau in Berne—to the Committee on Foreign Affairs.

Also, petition of members of the National Institute of Arts and Letters, for a liberal copyright law—to the Committee on Patents.

By Mr. UNDERWOOD: Petition of the grand officers of the Brotherhood of Railway Employees of the United States, for the adoption of a safer and better mail crane—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, February 22, 1907.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

Let us now praise famous men and our fathers that begat us. Leaders of the people by their counsel, wise were they; their words were for the instruction of the people; their glory shall never be blotted out; their bodies were buried in peace, and their names live for all generations.

The Lord God gave him commandments face to face, even the law of life and knowledge.

Let us pray. Father, here are our prayers for ourselves, for our homes, for this Congress, for the nation, and for the world. That these memories of the past may not be in vain as we look forward to to-day and to-morrow and the future. That this people of America may know what gift Thou wast pleased to give them when Thou didst send to be Thy servant here him who was first in war, first in peace, and first in the hearts of his countrymen. And that for to-day and to-morrow and for the days that are to come, each of us—we are all Thy children—shall seek to enter into Thy work; yes, as the Father of his Country entered into his to lift up that that has fallen down, to open eyes that have been blind and ears that have been deaf, and to live in the service of the living God, that we may do justly, that we may love mercy, and that we may walk humbly with our God.

Here is our prayer. Answer us and bless us as Thine own children, in Christ Jesus.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come; Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory for ever and ever. Amen.

THE JOURNAL.

On request of Mr. BURROWS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with, and the Journal was approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. The Farewell Address of George Washington will be read, under the order of the Senate, by the junior Senator from Nebraska [Mr. BURKETT].

Mr. BURKETT (at the Secretary's desk) read the address, as follows:

An address of George Washington to the people of the United States September 19, 1796.

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the ap-

plause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated, and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvements of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater

strength, greater resource, proportionately greater security from external danger, a less frequent interruption of their peace by foreign nations, and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop to your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of a party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destruc-

tive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community, and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretenses. One method of assault may be to effect in the forms of the Constitution alterations which may impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischief of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant

danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasion by others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duty of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursement to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any tem-

porary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from which equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference for public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belliger-

ent nations, under the impossibility of making acquisitions upon us, will not legally hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to

our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my Administration I am unconscious of intentional error, I am, nevertheless, too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views it in the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government—the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

Go: WASHINGTON.

UNITED STATES, September 19, 1796.

CONSTRUCTION OF BATTLE SHIP.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, requesting that the plans and specifications of the 20,000-ton battle ship be returned to the Department for the use of the Bureaus concerned with the construction of vessels; which was ordered to lie on the table.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the Trustees of the Big Bethel African Methodist Episcopal Church, of Atlanta, Ga., v. The United States; and

In the cause of Louise P. Seaman, widow of Stephen Seaman, deceased, v. The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5119) authorizing the extension of W and Adams streets NW.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 1160. An act to correct the naval record of John McKinnon, alias John Mack;

S. 2769. An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district;

H. R. 526. An act granting an increase of pension to Robert Cole;

H. R. 560. An act granting an increase of pension to Wilson M. Holmes;

H. R. 561. An act granting an increase of pension to Giles Townsend;

H. R. 654. An act granting an increase of pension to Amos J. Loranger;

H. R. 1171. An act granting an increase of pension to Alfred Nichols;

H. R. 1223. An act granting an increase of pension to Andrew Jarvis;

H. R. 1232. An act granting an increase of pension to John V. Buskirk;

H. R. 1242. An act granting an increase of pension to Luke Reynolds;

H. R. 1377. An act granting an increase of pension to Thomas G. Dallman;

H. R. 1474. An act granting an increase of pension to Thomas C. Fisher;
 H. R. 1574. An act granting an increase of pension to Franklin Sampson;
 H. R. 1665. An act granting an increase of pension to Frederick E. Hayward;
 H. R. 1728. An act granting an increase of pension to George C. Vance;
 H. R. 1767. An act granting an increase of pension to James H. Marcum;
 H. R. 1838. An act granting an increase of pension to Asa J. Clothier;
 H. R. 1851. An act granting an increase of pension to Ralph D. Parsons;
 H. R. 1890. An act granting an increase of pension to Adam Leak;
 H. R. 2064. An act granting an increase of pension to Daniel Sullivan;
 H. R. 2270. An act granting an increase of pension to John Lehn;
 H. R. 2324. An act granting a pension to Christina Vetter;
 H. R. 2821. An act granting an increase of pension to Turner J. Preble;
 H. R. 2905. An act granting an increase of pension to Burr Clark;
 H. R. 3239. An act granting an increase of pension to George W. Stewart;
 H. R. 3785. An act granting an increase of pension to Frederick W. Wagner;
 H. R. 4150. An act granting an increase of pension to John C. McGinis;
 H. R. 4553. An act granting an increase of pension to William R. Wilkins;
 H. R. 4757. An act granting an increase of pension to Edward Willis;
 H. R. 5020. An act granting an increase of pension to Beverly W. Sullivan;
 H. R. 5050. An act granting an increase of pension to Ephraim M. Boltz;
 H. R. 5162. An act granting an increase of pension to James F. Travis;
 H. R. 5202. An act granting an increase of pension to Jennie R. Hunt;
 H. R. 5388. An act granting an increase of pension to Silas Garrison;
 H. R. 5497. An act granting a pension to Cora Allie Booth;
 H. R. 5627. An act granting an increase of pension to John C. L. Hargis;
 H. R. 5634. An act granting an increase of pension to John Redding;
 H. R. 5774. An act granting a pension to Cornelia Mitchell;
 H. R. 5666. An act for the relief of L. L. Arrington and L. S. Arrington;
 H. R. 5800. An act granting an increase of pension to Joseph G. Maddocks;
 H. R. 5926. An act granting a pension to Sarah C. Pitman;
 H. R. 6206. An act granting an increase of pension to Stephen J. Henning;
 H. R. 6237. An act granting an increase of pension to David Bethurum;
 H. R. 6353. An act granting an increase of pension to John Shobert;
 H. R. 6767. An act granting an increase of pension to Hobart P. Sweet;
 H. R. 7242. An act granting an increase of pension to Marcus Davis;
 H. R. 7255. An act granting a pension to Christopher Horn;
 H. R. 7374. An act granting an increase of pension to Elijah C. Adolotte;
 H. R. 7554. An act granting an increase of pension to Andrew Cramer;
 H. R. 7565. An act granting an increase of pension to Orville Dickinson;
 H. R. 7578. An act granting an increase of pension to Levi Hoskins;
 H. R. 7634. An act granting an increase of pension to Martha G. Matlack;
 H. R. 8408. An act granting an increase of pension to Richard Prost;
 H. R. 8503. An act granting an increase of pension to David C. May;
 H. R. 8682. An act granting an increase of pension to James P. Bledsoe;
 H. R. 8775. An act granting an increase of pension to Carrie Diefenbach;

H. R. 8785. An act granting an increase of pension to John Finch;
 H. R. 8770. An act granting an increase of pension to Charles W. Burgess;
 H. R. 9256. An act granting an increase of pension to Martha E. Sanford;
 H. R. 9298. An act for the relief of the heirs at law of David C. Haynes, deceased;
 H. R. 9445. An act granting a pension to Ida E. G. Pierce;
 H. R. 9448. An act granting an increase of pension to Thomas B. Hockley;
 H. R. 9664. An act granting an increase of pension to Edwin C. Durfee;
 H. R. 9785. An act granting an increase of pension to William A. Lyon;
 H. R. 9838. An act granting an increase of pension to Joseph Ferguson;
 H. R. 9841. An act to correct the military record of James H. Davis;
 H. R. 9850. An act granting an increase of pension to Benjamin F. Williams;
 H. R. 9976. An act to provide for the appointment of an additional district judge in and for the southern district of the State of Ohio;
 H. R. 10023. An act granting a pension to Martha J. Lewis;
 H. R. 10164. An act granting a pension to Emma L. Beatty;
 H. R. 10212. An act granting an increase of pension to Charles M. Arnold;
 H. R. 10241. An act granting an increase of pension to Joseph M. Parish;
 H. R. 10301. An act granting an increase of pension to George N. Beymer;
 H. R. 10431. An act granting an increase of pension to Charles W. Kenisston;
 H. R. 10739. An act granting an increase of pension to N. Delmont McReynolds;
 H. R. 10889. An act granting an increase of pension to William H. Garrison;
 H. R. 10935. An act granting an increase of pension to Annie L. Boohe;
 H. R. 11198. An act granting an increase of pension to Emanuel Sandusky;
 H. R. 11273. An act to incorporate the National German-American Alliance;
 H. R. 11285. An act granting an increase of pension to William Kirkpatrick;
 H. R. 11621. An act granting an increase of pension to Hollis Smith;
 H. R. 11845. An act granting an increase of pension to William J. Clark;
 H. R. 11848. An act granting an increase of pension to George E. York;
 H. R. 11995. An act granting an increase of pension to Wesley Layton;
 H. R. 12240. An act granting an increase of pension to Albert J. Ackerley;
 H. R. 12344. An act granting an increase of pension to Andrew J. Sproul;
 H. R. 12346. An act granting an increase of pension to Abraham D. Stouffer;
 H. R. 12349. An act granting an increase of pension to Edgar M. Barber;
 H. R. 12353. An act granting an increase of pension to Jacob Little;
 H. R. 12563. An act granting an increase of pension to Andrew L. Hook;
 H. R. 12580. An act granting an increase of pension to Charles E. Youtt;
 H. R. 12631. An act granting an increase of pension to James E. Leslie;
 H. R. 12969. An act granting an increase of pension to Alexander Buck;
 H. R. 13012. An act granting an increase of pension to Charles L. Cole;
 H. R. 13133. An act granting an increase of pension to Gilbert W. Clark;
 H. R. 13163. An act granting a pension to Rittie Blackwell;
 H. R. 13334. An act granting an increase of pension to Erastus A. Doe;
 H. R. 13810. An act granting an increase of pension to Abraham J. Simmons;
 H. R. 13816. An act granting an increase of pension to Thomas McPeck;
 H. R. 13963. An act granting an increase of pension to William H. Turner;

- H. R. 14104. An act granting an increase of pension to Milton Brown;
- H. R. 14228. An act granting an increase of pension to Abram Nussbaum;
- H. R. 14244. An act granting an increase of pension to Edwin R. Phillips;
- H. R. 14779. An act granting an increase of pension to Willard Wheeler;
- H. R. 15241. An act granting an increase of pension to Samuel De Haven;
- H. R. 15452. An act granting an increase of pension to Solomon Stanfield;
- H. R. 15492. An act granting a pension to William L. Tyler;
- H. R. 15543. An act granting an increase of pension to George W. Maynard;
- H. R. 15688. An act granting an increase of pension to Esther C. Kelly;
- H. R. 15879. An act granting an increase of pension to Jacob Salat;
- H. R. 16192. An act granting an increase of pension to Charles Reed;
- H. R. 16221. An act granting an increase of pension to Job Clark;
- H. R. 16261. An act granting an increase of pension to John P. Bare;
- H. R. 16343. An act granting an increase of pension to Francis D. Matheny;
- H. R. 16439. An act granting an increase of pension to Patrick Bogan;
- H. R. 16607. An act granting an increase of pension to Mary Denny;
- H. R. 16608. An act granting an increase of pension to Catharine McNamee;
- H. R. 16687. An act granting an increase of pension to Jefferson G. Turner;
- H. R. 16718. An act granting an increase of pension to James Miltimore;
- H. R. 16819. An act granting a pension to John V. Sumner;
- H. R. 16834. An act granting an increase of pension to Allan S. Rose;
- H. R. 16839. An act granting an increase of pension to Benjamin F. Johnson;
- H. R. 16905. An act granting a pension to Anna E. Marble;
- H. R. 16925. An act granting a pension to Johanne Lange;
- H. R. 16939. An act granting an increase of pension to Patterson Reese;
- H. R. 17002. An act granting an increase of pension to Levi Deater;
- H. R. 17091. An act granting an increase of pension to George Myers;
- H. R. 17245. An act granting an increase of pension to Joseph Bateman;
- H. R. 17307. An act granting an increase of pension to John A. Baker;
- H. R. 17394. An act granting an increase of pension to Albert W. Boggs;
- H. R. 17655. An act granting an increase of pension to Fritz Dittmann;
- H. R. 18040. An act granting an increase of pension to Thomas Akin;
- H. R. 18110. An act granting an increase of pension to Asail Brown;
- H. R. 18396. An act granting an increase of pension to John Nix;
- H. R. 18515. An act granting an increase of pension to Martin Johnson;
- H. R. 18518. An act granting an increase of pension to William W. Wertman;
- H. R. 18519. An act granting a pension to Benjamin W. McCray;
- H. R. 18556. An act granting an increase of pension to William H. De Bruler;
- H. R. 18571. An act granting an increase of pension to Ann O'Neill;
- H. R. 18604. An act granting an increase of pension to Thomas M. Luman;
- H. R. 18653. An act granting an increase of pension to Richard Limbird;
- H. R. 18814. An act granting an increase of pension to Francis G. Knapp;
- H. R. 18831. An act granting an increase of pension to James R. Wilson;
- H. R. 18854. An act providing for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Dayton, in said district;
- H. R. 18874. An act granting a pension to Nannie T. Johnson;
- H. R. 18993. An act granting an increase of pension to James Shaw;
- H. R. 19065. An act granting an increase of pension to William R. Rodenberger;
- H. R. 19069. An act granting an increase of pension to Cornelius A. Willis;
- H. R. 19079. An act granting a pension to Phoebe Templeton;
- H. R. 19106. An act granting an increase of pension to Margaret Epperson;
- H. R. 19125. An act granting an increase of pension to Mary W. Humphreys;
- H. R. 19291. An act granting an increase of pension to Charles Bachman;
- H. R. 19421. An act granting an increase of pension to Ella A. Hodges;
- H. R. 19580. An act granting an increase of pension to Jane Williamson;
- H. R. 19594. An act granting an increase of pension to Hosea Hudson;
- H. R. 19599. An act granting an increase of pension to William J. Large;
- H. R. 19658. An act granting an increase of pension to Ary S. Bennett;
- H. R. 19739. An act granting an increase of pension to Henry D. Miner;
- H. R. 19794. An act granting an increase of pension to Henry C. Jewett;
- H. R. 19937. An act granting an increase of pension to Mildred L. Allee;
- H. R. 20003. An act granting an increase of pension to William Yahn;
- H. R. 20004. An act granting an increase of pension to Isaiah Perkins;
- H. R. 20057. An act granting an increase of pension to Cynthia Marsh;
- H. R. 20062. An act granting an increase of pension to Phillip Lape;
- H. R. 20082. An act granting an increase of pension to William Van Alst;
- H. R. 20148. An act granting a pension to Flora Fenzl;
- H. R. 20155. An act granting an increase of pension to Frank L. Weiss, alias Louis Weiss;
- H. R. 20170. An act granting an increase of pension to Mathias Mannes;
- H. R. 20183. An act granting an increase of pension to Catherine Way;
- H. R. 20217. An act granting an increase of pension to Ferdinand Kunkel;
- H. R. 20270. An act granting an increase of pension to Michael Dunn;
- H. R. 20299. An act granting an increase of pension to Lizzie E. Enright;
- H. R. 20352. An act granting a pension to Martha Stevens;
- H. R. 20414. An act granting an increase of pension to Albert Launt;
- H. R. 20588. An act granting an increase of pension to Nicholas S. Cantine;
- H. R. 20590. An act granting an increase of pension to Hannah O. Reynolds;
- H. R. 20622. An act granting an increase of pension to Samuel Shoener;
- H. R. 20840. An act granting an increase of pension to Thomas M. Lord;
- H. R. 20886. An act granting an increase of pension to William W. Bell;
- H. R. 20890. An act granting an increase of pension to Lafayette Doughty;
- H. R. 20952. An act granting an increase of pension to John W. Howe;
- H. R. 20954. An act granting an increase of pension to Henry McDevitt;
- H. R. 20956. An act granting an increase of pension to James Kenney;
- H. R. 20959. An act granting an increase of pension to William G. Dickey;
- H. R. 20961. An act granting an increase of pension to George F. Fogg;
- H. R. 20963. An act granting an increase of pension to Rianzo M. Norton;
- H. R. 20972. An act granting an increase of pension to George W. Rothrock;
- H. R. 20999. An act granting an increase of pension to John H. Simmons;
- H. R. 21038. An act granting a pension to Lucy A. Gaylord;

H. R. 21040. An act granting an increase of pension to Ella C. Washburn;
 H. R. 21052. An act granting an increase of pension to Edmund A. Locker;
 H. R. 21055. An act granting an increase of pension to Archibald Bates;
 H. R. 21073. An act granting an increase of pension to Michael Harman;
 H. R. 21085. An act granting an increase of pension to Anthony Patterson;
 H. R. 21130. An act granting a pension to Margaret McNally;
 H. R. 21131. An act granting an increase of pension to Cornelius Shea;
 H. R. 21141. An act granting an increase of pension to George E. Castor, alias George E. Custer;
 H. R. 21244. An act granting an increase of pension to Levi E. Eldred;
 H. R. 21262. An act granting an increase of pension to Margaret Adams;
 H. R. 21267. An act granting an increase of pension to Jerome B. Clark;
 H. R. 21284. An act granting an increase of pension to William Earnest;
 H. R. 21306. An act granting an increase of pension to James Pool;
 H. R. 21336. An act granting an increase of pension to Hermann Hoffmeister;
 H. R. 21337. An act granting an increase of pension to Henry J. Barrows;
 H. R. 21342. An act granting an increase of pension to Charles A. Parker;
 H. R. 21348. An act granting an increase of pension to William Seymour Alden;
 H. R. 21352. An act granting a pension to Hester A. Parrish;
 H. R. 21430. An act granting an increase of pension to Alonzo Foster;
 H. R. 21525. An act granting an increase of pension to John Short;
 H. R. 21559. An act granting an increase of pension to William Ivers;
 H. R. 21562. An act granting an increase of pension to Valentine Goebel;
 H. R. 21608. An act granting an increase of pension to Louis Green;
 H. R. 21659. An act granting an increase of pension to Rose Sevin;
 H. R. 21711. An act granting an increase of pension to Thor Nelson;
 H. R. 21734. An act granting an increase of pension to Stephen B. H. Shanks;
 H. R. 21746. An act granting an increase of pension to William N. Carlisle;
 H. R. 21784. An act granting an increase of pension to William Hall;
 H. R. 23235. An act granting an increase of pension to James L. Barney;
 H. R. 23324. An act authorizing the sale of certain lands to the city of Buffalo, Wyo.;
 H. R. 24284. An act for the opening of Warren and Forty-sixth streets NW., in the District of Columbia;
 H. R. 24358. An act granting an increase of pension to John R. Cauley;
 H. R. 24887. An act providing for a United States judge for the northern judicial district of Alabama;
 H. R. 25013. An act granting to the regents of the University of Oklahoma section No. 36, township No. 9 north, of range No. 3 west, of the Indian meridian, in Cleveland County, Okla.; and
 H. R. 25234. An act permitting the building of a dam across Rock River at Lyndon, Ill.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Rock River conference of the Methodist Episcopal Church, of Galena, Ill., praying for the enactment of legislation to provide for an inquiry into the extent of lynchings and the causes which lead to them; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of sundry citizens of Potomac and Princeton, in the State of Illinois, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Sullivan County, N. H., praying for the enactment of legislation to regulate the interstate trans-

portation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Anacostia Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for the construction of a road along the south bank of the Anacostia River, in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of Debbert E. Wood, of Binghamton, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Business Men's Association of Washington, D. C., remonstrating against the enactment of legislation to change the names of certain streets and avenues in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Fruitdale Grange, Patrons of Husbandry, of Mason, N. H., praying that an appropriation be made for the extermination of the gypsy and brown-tail moths; which was ordered to lie on the table.

He also presented a petition of the Business Men's Association of Washington, D. C., praying for the passage of the so-called "antitipping bill" relative to the tipping of employees of hotels, cafés, etc., in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce of Baltimore, Md., praying that an appropriation be made for a scientific investigation into the industrial condition of woman and child workers in the United States; which was ordered to lie on the table.

Mr. PLATT presented petitions of sundry citizens of Brooklyn, N. Y., praying for the enactment of legislation to amend and consolidate the acts respecting copyrights; which were ordered to lie on the table.

He also presented petitions of sundry citizens of New York City, N. Y., praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented memorials of Seth N. Hedges Post, No. 216, of Dansville; of C. E. Mills Post, No. 491, of Fort Edward, and of Harry Lee Post, No. 21, of Brooklyn, all of the Department of New York, Grand Army of the Republic, in the State of New York, remonstrating against the enactment of legislation abolishing the pension agencies throughout the country; which were ordered to lie on the table.

Mr. FULTON. I present a joint memorial of the legislature of the State of Oregon, which I ask may be read, and referred to the Committee on Privileges and Elections.

There being no objection, the joint memorial was read, and referred to the Committee on Privileges and Elections, as follows:

House joint memorial No. 2.

Whereas there is a general demand by the people of the United States and of the State of Oregon for the election of United States Senators by the direct vote of the people: Therefore, be it

Resolved by the house of representatives of the State of Oregon (the senate concurring). That it is the sense of the people of this State that United States Senators should be elected by the direct vote of the people, and that the Congress of the United States is hereby memorialized to propose an amendment to the Constitution of the United States providing for the election of United States Senators by the direct vote of the people, and to submit the same to conventions in the several States of the United States, called for the purpose, for ratification; be it

Further resolved, That a copy of this memorial be sent to the Senate and House of Representatives of the United States in Congress assembled and to the legislatures of the several States of the Union by the secretary of state.

Adopted by the house January 28, 1907.

FRANK DAVEY,
Speaker of the House.

Concurred in by the senate February 4, 1907.

E. W. HAINES,
President of the Senate.
W. LAIR THOMPSON,
Chief Clerk.

Filed February 5, 1907.

F. W. BENSON,
Secretary of State.

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that the annexed page contains a full, true, and complete copy of house joint memorial No. 2, adopted by the house of representatives of the State of Oregon January 28, 1907, and concurred in by the senate of the State of Oregon February 4, 1907, original of which memorial was filed in this office February 5, 1907.

In witness whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 5th day of February, A. D. 1907.

[SEAL.]

F. W. BENSON, Secretary of State.

Mr. FULTON presented petitions of sundry citizens of Junction City, Corvallis, and Benton County, all in the State of Oregon, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. McCREARY presented petitions of sundry citizens of Vanceburg and Middlesboro, in the State of Kentucky, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of sundry citizens of Danbury, Bridgeport, Norwalk, Milford, Bethel, Meriden, and Hartford, all in the State of Connecticut, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. DOLLIVER presented a petition of the congregation of the First Presbyterian Church of Burlington, Iowa, praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Terril, LeGrand, and Oelwein, all in the State of Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. ANKENY presented a petition of sundry citizens of Mason County, Wash., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DU PONT presented a petition of the congregation of the Methodist Episcopal Church of Cheswold, Del., and a petition of Harmony Council, No. 23, Junior Order of United American Mechanics, of Cheswold, Del., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the Board of Trade of Springfield, Mass., praying for the enactment of legislation providing for a uniform bill of lading; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Springfield, Mass., praying for the enactment of legislation to establish a forest reserve in the White Mountains of New Hampshire; which was ordered to lie on the table.

He also presented the petition of Frank H. Webb, of Haverhill, Mass., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Whitman, Mass., and a petition of sundry citizens of Boston, Mass., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of the Turn Verein Vorwaerts of Webster, Mass., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Boston Dry Goods Company, of Boston, Mass., praying for the enactment of legislation providing for the better protection of packages sent through the mails; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP presented a memorial of the Goodhue County Press Association, of Red Wing, Minn., remonstrating against the enactment of legislation to exclude from second-class mail matter publications not paid for in advance; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the congregations of the First Congregational and First Presbyterian churches of Owatonna; of sundry citizens of Rochester, Le Roy, Chatfield, Minneapolis, Cannon Falls, Verona, and Olmsted County, all in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Stillwater, Minn., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Minneapolis and Adrian, in the State of Minnesota, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. FRYE presented a petition of the Chamber of Commerce and Board of Trade of Porto Rico, praying that an appropriate

tion be made for the improvement of the harbor of San Juan, P. I.; which was referred to the Committee on Commerce.

Mr. PENROSE presented a petition of the Central Labor Union of Scranton, Pa., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented memorials of Gilmour Post, No. 227, of Ulster; of Colonel Ulric Dahlgren Post, No. 14, of Philadelphia; of Lieutenant William H. Child Post, No. 226, of Marietta, and of Ellis Post, No. 6, of Philadelphia, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, remonstrating against the enactment of legislation abolishing the pension agencies throughout the country; which were ordered to lie on the table.

He also presented petitions of the Weeks Photo-Engraving Company, of Philadelphia; G. Buehler & Co., of Allentown; Smith, Kline & French Company, of Philadelphia; Quaker City Metallic Bedstead Company, of Philadelphia; Robert Rawsthorne Engraving Company, of Pittsburg; the Westinghouse Machine Company, of East Pittsburg; Globe Varnish Manufacturing Company, of Pittsburg; the Chaplin-Fulton Manufacturing Company; H. S. Echels, of Philadelphia; Harrison Brothers & Co. (Incorporated); H. Kleber & Bro. Company, of Greensburg; Doubleday-Hill Electric Company, of Pittsburg; James O. Handy, chief chemist Pittsburg Testing Laboratory, of Pittsburg; George C. Davis, of Philadelphia; Charles B. Dudley, chemist, Pennsylvania Railroad Company, of Altoona; John Marshall, professor of chemistry, University of Pennsylvania, of Philadelphia; Ralph E. Myers, State College; American Chair Manufacturing Company; John Howard Graham, of Philadelphia, and of the John B. Stetson Company, of Philadelphia, all of the State of Pennsylvania, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. OVERMAN presented a petition of sundry citizens of North Carolina, praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

Mr. SPOONER presented a petition of the Woman's Christian Temperance Union of Crandon, Wis., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Lyra Male Chorus, of Milwaukee, Wis., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

GOUVERNEUR V. PACKER.

Mr. FORAKER. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 17285) for the relief of Second Lieut. Gouverneur V. Packer, Twenty-fourth United States Infantry, to report it favorably without amendment, and to submit a report thereon.

Mr. KEAN. That is a very short bill, Mr. President, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to cause to be credited to Second Lieut. Gouverneur V. Packer, battalion quartermaster and commissary, Twenty-fourth Regiment United States Infantry, on his accounts as acting commissary of subsistence of the post of Fort Missoula, Mont., with \$48.80, the amount of subsistence funds, for which he was responsible, stolen by Commissary-Sergt. Walter E. Smith, United States Army, who deserted from the service September 1, 1903.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTERMARRIED WHITE PERSONS.

Mr. CURTIS. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 8535) for the relief of certain white persons who intermarried with Cherokee citizens, to report it with an amendment and to submit a report thereon. I ask unanimous consent for the present consideration of the bill.

The VICE-PRESIDENT. The bill will be read at length for the information of the Senate, subject to objection.

The bill was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. The amendment reported by the Committee on Indian Affairs was, on page 1, in line 4, after the words "prior to," to strike out the words "July 1, 1902," and to insert "December 16, 1895;" so as to make the bill read:

Be it enacted, etc., That for sixty days after the approval of this act white persons who intermarried with Cherokee citizens prior to Decem-

ber 16, 1895, and made permanent and valuable improvements on lands belonging to the Cherokee Nation prior to the decision of the Supreme Court of the United States in the case of Daniel Red Bird, the Cherokee Nation, and others, against The United States (203 U. S., p. 76), shall have the right to sell such improvements to citizens of the Cherokee Nation entitled to select allotments at a valuation to be approved by an official to be designated by the Secretary of the Interior for that purpose; and the vendor shall have a lien on the rents and profits of the land on which the improvements are located for the purchase money remaining unpaid and shall have the right to enforce such lien in any court of competent jurisdiction.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FINAL PROOF IN DESERT-LAND ENTRIES.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 25513) extending the time for making final proof in certain desert-land entries, to report it favorably without amendment. I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The bill will be read at length for the information of the Senate.

The bill was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that all desert-land entrymen, under the Benton Water Company's canal, in Benton County, State of Washington, who would be required under existing law to make final proof during the year 1907 shall be given an additional year in which to make such final proof; but each entryman claiming the benefits of this act shall, within ninety days after its passage and approval, file in the local land office of the district in which the lands embraced in his entry are located an affidavit describing his lands and stating that he expects to irrigate the same with water from the canal of said company.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. SCOTT. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 24537) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and for other purposes, to report it with amendments, and I submit a report thereon.

As I understand there will be a night session to-night. I shall then ask the privilege of having this bill taken up. I make that announcement in order that Senators may have notice of my intention in that regard.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. SCOTT, from the Committee on Military Affairs, submitted a report to accompany the bill (S. 7921) for the relief of George A. Armstrong, heretofore reported.

Mr. PLATT, from the Committee on Printing, to whom was referred the bill (S. 8510) to amend an act providing for the public printing and binding and the distribution of public documents, reported it with amendments, and submitted a report thereon.

Mr. CURTIS, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 25570) to amend an act approved May 8, 1906, entitled "An act to amend section 6 of the act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes,'" reported it without amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 32) for the relief of the State of New Hampshire, reported it with an amendment, and submitted a report thereon.

Mr. STONE, from the Committee on Commerce, to whom was referred the bill (S. 8507) to authorize the construction of a bridge across the Grand Calumet River, State of Illinois, reported it without amendment, and submitted a report thereon.

Mr. FRAZIER, from the Committee on Territories, to whom was referred the bill (H. R. 25184) to relieve the Tanana Mines Railroad in Alaska from taxation, reported it without amendment, and submitted a report thereon.

Mr. OVERMAN (for Mr. FOSTER), from the Committee on Military Affairs, to whom was referred the bill (S. 3627) removing the charges of desertion and granting an honorable discharge to Benjamin Warner, reported it with amendments, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (H. R. 14322) granting a pension to Abbie L.

Hanford, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, reported an amendment proposing to appropriate \$175,000 for the purchase of Constitution Island, intended to be proposed to the sundry civil appropriation bill, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 8547) for the relief of George F. Schayer; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 8548) to authorize the purchase of a portrait of Henry Clay; which was read twice by its title, and referred to the Committee on the Library.

Mr. MALLORY. In behalf of my colleague [Mr. TALIAFERRO], who is unavoidably detained from the Senate, I introduce two bills.

The bill (S. 8549) for the relief of C. W. Moffatt; was read twice by its title, and referred to the Committee on Claims.

The bill (S. 8550) for the relief of Samuel G. Searing; was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 8551) for the relief of the estate of Capt. John Belino, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DEPEW introduced a bill (S. 8552) for the relief of the National Automatic Fire Alarm Company, of Washington, D. C.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CLAPP introduced a joint resolution (S. R. 95) relating to proceedings to set aside deeds alleged to have been made by Mexican Kickapoos; which was read twice by its title, and ordered to lie on the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PERKINS submitted an amendment authorizing the Secretary of the Treasury to expend the entire sum of \$375,000, authorized by act of June 30, 1906, for the purchase of a site for a subtreasury at San Francisco, Cal., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McCREARY submitted an amendment proposing to appropriate \$40,000 for the payment of claims for property taken from Confederate officers and soldiers after surrender, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SCOTT submitted an amendment providing that the compensation to assistant postmasters in first and second class post-offices where the receipts are above \$30,000 a year shall be 65 per cent of the postmaster's salary, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also submitted an amendment proposing to increase the number of post-office inspectors at \$1,800 each from ten to twenty and to reduce the number of post-office inspectors at \$1,600 each from 130 to 120, etc., intended to be proposed by him to the postoffice appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also submitted an amendment proposing to increase the salaries of clerks of class 5 in the Railway Mail Service from \$1,500 each to \$1,600 each, etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also submitted an amendment relative to the promotion of clerks from the sixth grade in offices of the first and second class where the annual gross receipts shall be in excess of \$150,000, etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. CULLOM submitted an amendment proposing to appropriate \$100,000 for the purchase for the National Museum of the Ward-Cooley collection of meteorites, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate \$100,000 for the commencement of the preparation of plans for a suitable building for a post-office to be constructed on property now owned by the United States in the city of New

York, known as the "Pennsylvania Railroad site," etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. PILES submitted an amendment providing that the leaves of absence authorized by law to clerks in post-offices shall be construed exclusive of Sundays and holidays, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. BURNHAM submitted an amendment proposing to increase the pay of any rural carrier on a water route who furnishes his own power boat and is employed during the summer months from \$720 to \$840, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

EXTENSION OF W AND ADAMS STREETS.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5119) authorizing the extension of W and Adams streets NW., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment; and on page 1, line 13, and page 2, lines 3 and 16, of the bill strike out the word "five" and insert in lieu thereof the word "four;" and the House agree to the same.

J. H. GALLINGER,
H. C. HANSBROUGH,
Managers on the part of the Senate.

J. W. BABCOCK,
S. W. SMITH,
T. W. SIMS,
Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 21:

S. 1726. An act making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The Lines," for school purposes, to the board of public instruction of St. Johns County, Fla.;

S. 7879. An act granting to the Los Angeles Inter-Urban Railway Company a right of way for railroad purposes through the United States military reservation at San Pedro, Cal.; and

S. 7372. An act to authorize the acceptance by the Secretary of the Navy, as a gift, of a sailboat for use of the midshipmen at the Naval Academy.

ELASTICITY OF THE CURRENCY.

Mr. DEPEW. I desire to give notice that on Monday morning, immediately after the morning business, I shall make some remarks upon the resolution introduced by me yesterday, which is now on the table.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 14, 15, 23, 24, 25, 27, 28, 29, 41, 47, 50, 56, 57, 69, 70, 84, 90, 94, 100, 101, 104, 105, 106, 107, 115, 117, 118, 119, 137, 138, 139, 140, 141, 149, 150, 155, 156, 158, 159, 161, 162, 163, 164, 165, 166, 173, 174, 175, 176, 177, 183, 184, 186, 192, 193, 194, 195, 196, 197, 199, and 202.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 18, 19, 20, 21, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 42, 43, 44, 45, 46, 49, 51, 53, 54, 55, 58, 59, 60, 62, 64, 65, 66, 67, 68, 71, 72, 76, 77, 78, 79, 80, 81, 82, 86, 87, 88, 89, 91, 92, 93, 96, 97, 98, 99, 102, 103, 108, 110, 111, 112, 113, 114, 116, 121, 122, 123, 124, 125, 126, 127, 128, 129, 133, 134, 135, 136, 142, 143, 144, 145, 146, 147, 148,

151, 152, 157, 160, 168, 169, 170, 171, 172, 178, 179, 180, 181, 182, 185, 187, 198, 200, 201, 204, 205, 206, 207, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, and 223, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

On page 1 of the bill, in line 10, strike out the words "four hundred and fifty" and insert in lieu thereof the words "six hundred and seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "two million nine hundred and seventy-four thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$5,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$24,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the matter stricken out by said amendment insert the following:

"Indexes, digests, and compilations of law: To continue the preparation of the new index to the Statutes at Large, in accordance with a plan to be previously approved by the Judiciary Committees of both Houses of Congress, and to prepare such other law indexes, digests, and compilations of law as may be required by Congress for official use, namely: For one assistant, one thousand eight hundred dollars; one assistant, one thousand two hundred dollars; one assistant, nine hundred dollars; two assistants, at seven hundred and twenty dollars each; and five hundred dollars as additional compensation to the law librarian; in all, five thousand eight hundred and forty dollars; and authority is hereby given to pay the persons appointed under the act of June 13, 1906."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$2,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$234,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "assistant messenger;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$23,780;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "compositor and pressman, \$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$433,480;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$72,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an

amendment as follows: After the word "governor," in line 2 of said amendment, insert the following words: "while absent from Juneau;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$142,660;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the words "one messenger;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the number proposed insert "11;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$164,506;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$357,890;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: Strike out the word "four," inserted by said amendment, and insert in lieu thereof the word "six;" and on page 108 of the bill, in line 16, after the word "Engineer," insert the words "and electrician;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$969,150;" and on page 118 of the bill, in line 18, after the word "each," insert the following: "; and for the following to be employed exclusively in connection with the model exhibit, namely, one machinist, one thousand six hundred dollars; one assistant, nine hundred dollars; one assistant, seven hundred and twenty dollars, and two charwomen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$232,860;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$22,190;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$706,860;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: On page 150 of the bill, in line 14, strike out the word "three" and insert in lieu thereof the word "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$32,260;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said Senate amendment amended by adding at the end thereof the words "; and section 765 of the Revised Statutes and section 3 of the act of June 20, 1874, shall not be applied to this provision;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment as follows:

Omit the word proposed to be inserted by said amendment, and on page 160 of the bill, in line 24, before the word "for," insert the words "otherwise than temporarily;" and the Senate agree to the same.

That the House recede from its disagreement to the amend-

ment of the Senate numbered 224, and agree to the same with an amendment as follows:

In lieu of the number proposed insert "5;" and insert the words "Sec. 4" before the matter substituted for the amendment of the Senate numbered 222; and the Senate agree to the same.

S. M. CULLOM,

F. E. WARREN,

Managers on the part of the Senate.

LUCIUS N. LITTAUER,

L. F. LIVINGSTON,

Managers on the part of the House.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

Mr. BACON. Mr. President, I have confidence that the action of the conference committee on this bill will be approved, but at the same time, if any important changes have been made, I think we ought to know something more than we can ascertain simply by a designation of these amendments by number. Of course, there are always a number of minor matters which it is not necessary to bring to the attention of the Senate, and I myself would be satisfied with the assurance of the Senator from Illinois that there are no matters of material importance which are disposed of otherwise than they were passed upon by the Senate.

Mr. CULLOM. I will say to the Senator from Georgia that there are but two or three amendments involved in the conference report besides the one in relation to the salary question, which we all know was settled in the Senate itself, which I suppose neither the Senator nor anybody else would feel interested in having an explanation of. One is the index provision. Another is the provision in reference to the appropriation of \$20,000 for the investigation of cotton, etc. Those two, I think, are practically all which are of special interest to the Senate.

The index question was settled, and I think it would be just as well for the Secretary to read the provision that the conferees finally agreed upon in order that Senators may see exactly what it is.

Mr. BACON. Yes.

The VICE-PRESIDENT. The Secretary will read the provision in the conference report, as requested by the Senator from Illinois.

The Secretary read as follows:

Amendment No. 40. In lieu of the matter stricken out by said amendment insert the following:

"Indexes, digests, and compilations of law: To continue the preparation of the new index to the Statutes at Large, in accordance with a plan to be previously approved by the Judiciary Committees of both Houses of Congress, and to prepare such other law indexes, digests, and compilations of law as may be required by Congress for official use—namely, for one assistant, \$1,800; one assistant, \$1,200; one assistant, \$900; two assistants, at \$720 each, and \$500 as additional compensation to the law librarian; in all, \$5,840; and authority is hereby given to pay the persons appointed under the act of June 13, 1906."

Mr. CULLOM. The original proposition, as it appeared in the bill which came to us from the House of Representatives, declared that an agreement had already been entered into by the House Judiciary Committee and the Senate Judiciary Committee. That turned out, however, to be untrue so far as the Senate Judiciary Committee was concerned, and it appeared that no consideration of the subject had ever been given by the Judiciary Committee of the Senate at all. That was one of the things that was objected to by the Senate. The Senate will observe that in this agreement we have provided that nothing shall be done until it has been first agreed to by the Judiciary Committees of both Houses, and then after that the indexing shall be controlled not by Cabinet officers or the Departments or Bureaus or anything of that kind, but be absolutely in the control of the Congress of the United States; and that we finally consented to.

Mr. BACON. I should like to have the Senator ask for the reading of the amendment in reference to the cotton reports.

Mr. CULLOM. I can make a statement, without reading the provision, so that the Senator will understand exactly what it is.

The original provision with reference to investigations abroad provided that \$30,000 should be expended, without specifying what particular thing it should be expended upon. Some Senators objected to that and desired that \$20,000 or \$50,000 should be appropriated for the investigation of cotton and cotton-seed products. The House conferees objected very strenuously, not against the appropriation of \$50,000, but against the designation of any particular thing to be investigated. After long discussion and delay and attempts to get together, we could

not do so except upon striking out everything pertaining to any particular manufacture or product that should be investigated.

To tell the whole story, after we found that we could not get to an agreement without striking out those words, we called up the Secretary of Commerce and Labor and informed him that we were going to strike those words out, but we wished to have a distinct understanding on his part that the investigation of cotton should go on just exactly as though those words were left in.

Mr. BACON. Mr. President, I desire to say that my object in asking for a statement with reference to this amendment was to have the Senator make the statement which he has just made. The fact was within my knowledge, and I desired the public to know that in this change there was not an abandonment of the design of Congress that there should be an investigation of cotton products.

Mr. CULLOM. Not in the slightest degree. The Secretary of Commerce and Labor pledged himself to us that it should not interfere with the investigation of the cotton interests.

Mr. OVERMAN. I want to state, if the Senator will allow me—

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. CULLOM. Certainly.

Mr. OVERMAN. I desire to state that I have seen the Secretary of Commerce and Labor, and his understanding is as expressed by the Senator from Illinois. He has a memorandum in writing to the effect that there is to be no abandonment of the investigation of cotton and cotton products at all.

Mr. CULLOM. Mr. President, I do not think there is anything else in the conference report that needs explanation or discussion.

The VICE-PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

NOTICE OF MEMORIAL ADDRESSES.

Mr. BURROWS. Mr. President, owing to the pressure of public business and the necessity of adjournment immediately after the eulogies to-morrow, I suggest that the services contemplated be set for 2 o'clock.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Michigan? The Chair hears none, and that order is made.

CONSTITUTIONAL AMENDMENT AGAINST POLYGAMY.

The VICE-PRESIDENT. If there be no concurrent or other resolutions, morning business is closed, and the Chair lays before the Senate a resolution coming over from yesterday, which will be stated:

The Secretary read the resolution submitted by Mr. DUBOIS on February 21, as follows:

Resolved, That the Committee on the Judiciary be, and it is hereby, authorized and instructed to prepare and report to the Senate, within thirty days after the beginning of the next session of Congress, a joint resolution of the two Houses of Congress, proposing to the several States amendments to the Constitution of the United States which shall provide, in substance, for the prohibition and punishment of polygamous marriages and plural cohabitation, contracted or practiced within the United States and in every place subject to the jurisdiction of the United States; and which shall, in substance, also require all persons taking office under the Constitution or laws of the United States, or of any State, to take and subscribe an oath that he or she is not, and will not be, a member or adherent of any organization whatever the laws, rules, or nature of which organization require him or her to disregard his or her duty to support and maintain the Constitution and laws of the United States and of the several States.

Mr. DUBOIS. Mr. President, I am not going to take any time.

The resolution in reference to the proposed constitutional amendment will, of course, be referred to the Judiciary Committee, and it seemed to me it would be better to refer the subject to the Judiciary Committee for a report. It will save the Judiciary Committee from examining a multitude of bills, perhaps, on the same subject, and power, of course, will be lodged in them finally to pass on what legislation, if any, they may deem necessary on the subject.

The VICE-PRESIDENT. The resolution will be printed and referred to the Committee on the Judiciary.

Mr. DUBOIS. I should like to have the resolution passed now.

Mr. SPOONER. Mr. President, I did not hear all of the resolution read, but as I heard it it leaves nothing to the Judiciary Committee except to draft a constitutional amendment in accordance with the terms of the resolution. I hardly think the Senate is prepared to take so long a step, without consideration, as that proposed, and I move that the resolution be referred to the Judiciary Committee.

The VICE-PRESIDENT. The Senator from Wisconsin moves that the resolution be referred to the Judiciary Committee.

Mr. SPOONER. I want to say that I am not hostile at all to an amendment of the Constitution prohibiting polygamy and polygamous cohabitation. On the contrary, I am myself in favor of making that a subject of Federal cognizance, and I do not make the motion in hostility to the principle at all.

Mr. DUBOIS. I trust, in addition to that, the Senator from Wisconsin is opposed to anyone exercising the rights of citizenship in the United States who belongs to an organization which puts the laws of that organization above the law of the United States. I trust that in considering this resolution the Senator from Wisconsin, who is a member of the Judiciary Committee, will also take that part of the resolution into consideration.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Wisconsin to refer the resolution to the Committee on the Judiciary.

The motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I move that the Senate proceed to the consideration of the agricultural appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908.

Mr. PROCTOR. Mr. President, I propose, on behalf of the committee, the amendment which I send to the desk, and which has been printed. It is in regard to estimates in detail and reports in detail. It is to be added at the bottom of page 73. I would say that it has passed the scrutiny of the senior Senator from Iowa [Mr. ALLISON].

The VICE-PRESIDENT. The Chair would call the attention of the Senator from Vermont to the fact that there is an amendment offered by him which is pending. It is on page 41. The Secretary will report the amendment.

The SECRETARY. On page 41, line 12, before the words "seven hundred," it is proposed to insert the words "one million."

Mr. PROCTOR. I ask that that be laid aside until two or three minor amendments can be acted upon, and also until the grazing amendment can be taken up, as it may have some bearing on this.

The VICE-PRESIDENT. Without objection, it is so ordered. The amendment proposed by the Senator from Vermont will be stated.

The SECRETARY. On page 73, after line 24, it is proposed to insert:

That hereafter on or before the 1st day of January of each year the Secretary of Agriculture shall submit to Congress, in addition to the estimates now required by law, classified and detailed estimates of every subject of expenditure intended for the Agricultural Department for the next fiscal year, and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. HEYBURN. Mr. President, I feel admonished that I have already occupied so much of the time of the Senate in discussing the question involved in the part of the agricultural appropriation bill under consideration that I would not be justified in doing more than replying to those matters that have arisen or been presented to the Senate since I had occasion to submit my previous remarks. Preliminary to what I wish to say, I desire to look at the amendment just submitted, which, for the first time, I have had an opportunity to see in print, though I heard it read yesterday. I am led to inquire whether or not it will accomplish exactly what the Senator introducing it intends, or rather the full measure of his intention?

Mr. PROCTOR. Mr. President, the best answer I can make to that is to say that it was first proposed by the senior Senator from Rhode Island [Mr. ALDRICH]; that it afterwards had very critical examination yesterday and this morning by the senior Senator from Iowa [Mr. ALLISON]; and that a very prominent Member of the other body, who has been especially interested in this subject, also examined it, and it received the united approval of them all. We have adopted at the end of the forestry provision an amendment substantially like this, applying to forestry alone. This is to apply that principle to the entire Department and all branches of it, and, of course, will include the amendment we have already adopted in regard to forestry. It will make that unnecessary, and I shall ask to have that stricken out, as the amendment I have now introduced covers it.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. Mr. President, having been engaged in conference work—and I have considerable of it yet to do—I was not present yesterday when the amendment on page 70 was reached, and I observe that it had some consideration and was passed over. As I may not be able to be here later in the day, I will ask the Senator from Vermont if he will not withdraw the pending amendment and let us go along with the bill.

Mr. HEYBURN. We have finished the reading of the bill.

Mr. GALLINGER. Finished the reading of the bill? As I understand, the Appalachian Mountain amendment was passed over, and it is on page 70. The amendment of the Senator from Vermont comes a little later than that. Could he not waive it for the time being and let us take up the Appalachian Mountain matter and dispose of it now?

Mr. PROCTOR. This is a very minor thing.

Mr. GALLINGER. But it looks to me as though there would be discussion on it, as there has been on every other feature of the bill.

Mr. PROCTOR. The Senator from Idaho will discover that there are other points to come up which will give him an ample opportunity and he will be speaking directly to the question before the Senate.

Mr. HEYBURN. I think there is some misapprehension in regard to the purpose I have in merely mentioning at this time the amendment just presented in a form in which Senators can see it. It was not my intention and I do not ask the privilege of the floor for the purpose of discussing the amendment, but to consider the question that we had up yesterday, and as to which I yielded the floor with the understanding that I would resume this morning.

Mr. PROCTOR. Certainly. I understood you very well, and that matter will come up again in a short time.

Mr. HEYBURN. I am glad to have elicited the explanation from the Senator from Vermont in regard to the relation between the amendment read this morning and the one pertaining especially to the Forestry Service. It was because of the existence of the two amendments that I was led to inquire what interpretation would be placed upon an amendment so comprehensive as to include another amendment and something more. I am entirely satisfied as to the purpose of the amendment. I presume the Senator in charge of the bill will withdraw the other amendment at the proper time, and this will be the completed measure.

Mr. PROCTOR. I will ask immediately to have it reconsidered and disagreed to.

The VICE-PRESIDENT. What is the request of the Senator from Vermont?

Mr. PROCTOR. The question is on the amendment which I offered.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has just been reported. Without objection, the amendment is agreed to.

Mr. PROCTOR. On page 42, lines 7 to 14, there are two amendments. I think the first one was agreed to and the second one disagreed to, and a substitute was offered covering both and was agreed to. I move to reconsider the vote by which the substitute amendment was agreed to and then I ask that it be disagreed to.

Mr. HEMENWAY. The amendment the Senator from Vermont asks to have reconsidered is not the amendment requiring that all receipts shall be put into the Treasury?

Mr. PROCTOR. I ask to have it reconsidered because we have just adopted an amendment at the close of the bill, drawn by the Senator from Rhode Island and the senior Senator from Iowa, which covers that.

Mr. LODGE. Let the amendment that is proposed to be disagreed to be read. I think it covers matter that is not in the general amendment.

The VICE-PRESIDENT. The Secretary will read the amendment as requested by the Senator from Massachusetts.

The SECRETARY. After the word "available," on page 42, line 7, the Committee of the Whole inserted the following:

Provided, That hereafter, on or before the 1st day of January of each year, the Secretary of Agriculture shall submit to Congress detailed estimates of all expenditures intended for this service for the next fiscal year, and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year: *Provided further*, That all money received after July 1, 1907, by or on account of forest reservation revenue shall be covered into the Treasury of the United States as a miscellaneous receipt.

Mr. LODGE. That is enough. I recall it. The second proviso covers something which is not covered by the general amendment and which ought to remain in the bill.

Mr. PROCTOR. Let it stand then. I will withdraw the motion to reconsider.

The VICE-PRESIDENT. The motion to reconsider is withdrawn.

Mr. PROCTOR. I wish to call the attention of the Secretary to a correction which should be made in the total on page 74, to cover the amendment adopted in regard to agricultural colleges, adding \$240,000.

I ask that the grazing amendment on pages 71 and 72 be considered next; and I wish to say in regard to that as a reason for its being put into the bill, that the bill was all ready to be reported two weeks ago yesterday, when I was informed for the first time that there was a large delegation from the cattle association and from the sheep association of the extreme West, with a committee appointed by the president, who had already started on their way to Washington, and that it would be a discourtesy to them not to see them and to consider what they had to lay before us.

I will say that it was the most interesting committee hearing I ever attended. They were men of large affairs, men who do things, men who understood what they were talking about, and they presented it very forcibly. They insisted that it was to their interest and to the general interest that their boundaries should be defined; that they might be forced to keep less cattle, but they could have better ones; and another thing especially that it would end the long period of lawlessness and crime that has prevailed in those cattle and sheep districts; that it had become a necessity to have some system. This amendment was prepared by members of the committee who were familiar with that interest, with a view of putting the matter before the public, and not with an expectation that it would be adopted.

Mr. HEYBURN. Mr. President, I desire to submit some remarks in regard to this measure. It seems to me we can not pass over or avoid the consideration of a question raised yesterday by the Senator from Wisconsin [Mr. SPOONER]. I do not think it should go out from this body to the country that the relation of the State and of the laws of the State to the public domain of the United States lying within the State is as stated by the Senator from Wisconsin. As was stated by the Senator from Wyoming [Mr. CLARK], basing his remarks, I believe, upon a decision by Judge Sawyer, then United States circuit judge for the eighth circuit, except as to property in the actual use of the Government for governmental purposes, the Government as proprietor of lands within a State occupies exactly the same relation that an individual does.

Let me repeat that statement. It was held by Judge Sawyer that the United States, outside of lands required for the purposes of the Government, occupied exactly the same relation toward its holding within the State as any citizen holding a title of like quality.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. To the end that the law upon this subject may be clearly understood, I think the statement of the Senator from Idaho is subject to another qualification. It is not sufficient that the Government occupy land for its own purpose to give it jurisdiction within the State. As to such land it is essential that the State shall cede to the General Government exclusive jurisdiction.

Mr. HEYBURN. I was coming to that.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. In a moment. In the admission act of every State so far as I have examined those acts it is provided that as a condition precedent to the operation of the law the State shall cede or resign its claim as against the United States to all lands within its borders that are necessary to the use of the United States.

I do not intend to read authorities or decisions of the courts in discussing this question, but propose rather to state the conclusions arrived at by the courts and leave the matter subject to such investigation as Senators may desire to give it based upon the authorities.

It is not true as I see it that the United States in regard to its proprietorship of lands within a State occupies any different relation toward those lands under the laws of the State than an individual proprietor.

Mr. CARTER. Except as to exemption from taxation.

Mr. HEYBURN. Except in the exemptions and exceptions already stated. I yesterday called the attention of the Senate, during an interruption of the Senator from Wisconsin, to a decision rendered during the present month, which was not new law, but only an affirmation of the principle that has always been enunciated by the Supreme Court upon that question. Were the law different the conditions would be intolerable. There would be within a State a sovereignty greater than the

State, exercising rights beyond the control of the State, and yet receiving the protection and the administration of the State government. Such a condition was never contemplated by the Constitution or by any laws that have been made pursuant to the Constitution concerning this question. It is most important to consider that in connection with the subject under discussion at this time.

It was a most hasty proceeding, to denominate it mildly, on the part of Congress to have enacted the provision under which these reservations are created. It must be evident at this day, in the light of all that has transpired, that Congress never was guilty of so great a lapse in the consideration of its duty.

When I first came to this body I was in some doubt as to the wisdom of the rule which prevents general legislation being enacted as a part of a general appropriation bill; but as I have observed the danger emanating from that practice in the past and proposed in the present, I am convinced that no wiser rule could possibly exist. That is illustrated by an inspection of this provision of seven lines, attached to a general appropriation bill in the hurry that surrounds the consideration of appropriation bills in this body, where we receive them so late in the session, with the insufficient opportunity and disposition to discuss them. That Congress should have enacted on an appropriation bill a provision which created a new bureau that should control a portion of the public lands of the United States almost equal in area to the original thirteen States, and with a tendency to further grow, seems almost incomprehensible.

The provision itself is so disconnected, so inadequately expressed, as to challenge the attention of anyone who reads it. It means nothing; it says nothing; and it had to be interpreted with the most liberal spirit in order to be placed in operation at all. I call the Senate's attention to the language of these seven lines that commence nowhere and end nowhere. Section 24 of the act of March 3, 1891, is as follows.

That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

Set apart what? It does not say what the President may set apart, whether it is land or animals or private privileges. The act does not say that he may set apart lands or forests. It simply says he may set apart and reserve. That is the end of the declaration as to what the President may do. That act had no vitality in it. It conferred no right or power upon the President. It did not authorize him to set apart lands of any character.

Mr. SPOONER. Read it again.

Mr. HEYBURN (reading):

That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

What is he to set aside? Lands? It does not say so. Forests? It does not say so. "Set aside a day for thanksgiving" could just as well be read into the section as lands or anything else. That is the kind of legislation which results from the consideration of questions of that vast importance as a rider upon a general appropriation bill.

Before this act became a law the Government of the United States was a landed proprietor within the boundaries of probably all of the States, outside of the original thirteen States, under some reservation or provision of law. It was not there as a superior member of the household of the State, with exceptional rights. When it created a State it was simply a landowner within the State, subject to the control of the State as other fee-simple titles are controlled in a State.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. HEYBURN. Certainly.

Mr. SPOONER. Is it not a cardinal rule of statutory construction that even if the language of an act be inartistic, it shall be construed to mean something?

Mr. HEYBURN. I will answer that by inquiring of the Senator if he has discovered that this language is inartistic?

Mr. SPOONER. The section is not exactly as I should have drawn it, but it bears but one construction—

That the President of the United States may, from time to time, set apart and reserve—

Mr. HEYBURN. What?

Mr. SPOONER. I will get to that—

In any State or Territory having public land—

And the veriest tyro who ever read an act or a decision would know that that did not mean the public lands of the

State, and he would know that there is no such thing as the public lands of a Territory.

Mr. HEYBURN. No; but how about a right of way? The Government might have been reserving a right of way.

Mr. SPOONER. I am talking about the substance, not the shadow.

In any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth—

"Public lands." That has been construed by the Supreme Court of the United States, as the Senator well knows, in *Newhall v. Sanger* and other cases, for it appears in all of the public-land laws as meaning lands owned by the United States subject, but for the passage of this act, to entry under the laws of the United States—

with timber or undergrowth, whether of commercial value or not, as public reservations—

"Public reservations;" any kind of a public reservation that would mean. Is not a forest reservation a public reservation—

Mr. HEYBURN. I think the Senator—

Mr. SPOONER. I am not through.

And the President shall, by public proclamation, declare the establishment—

That is mandatory—

of such reservations and the limits thereof.

Now, if the Senator will read along down the page to what is quoted from the act of June 4, 1897, he will find a construction by Congress of the act, the language of which he criticises, and a ratification by Congress, to all intents and purposes, of the action of the President under the act of 1891, will he not?

Mr. HEYBURN. Yes. I have failed to make myself understood in regard to the criticism. I am not attacking the validity of this law for any purpose whatever. I was merely illustrating the inadvisability of this class of legislation being put as a rider upon an appropriation bill.

Mr. SPOONER. I agree to that.

Mr. HEYBURN. But I have failed to direct the Senator's attention to the point of the criticism. It is the omission in the second line of the original act of the word "lands." Of course, I am not distinguishing between State lands and public lands—

Mr. SPOONER. The President—

Mr. HEYBURN. There is no subject to the sentence; that is all.

Mr. SPOONER. The President could not withdraw the atmosphere.

Mr. HEYBURN. He might have withdrawn bodies of water, and you could read "bodies of water, lakes, rivers" in there as well as "lands."

Mr. SPOONER. He could not withdraw a body of water bearing forests, could he?

Mr. HEYBURN. It need not bear forests.

Mr. SPOONER. But the law says so.

Mr. HEYBURN. I am merely suggesting—

Mr. SPOONER (reading):

Any part of the public land wholly or in part covered with timber or undergrowth.

I hardly think that could have been applicable to a body of water.

Mr. HEYBURN. The Senator is not in the right line.

Mr. SPOONER. No man is who differs with my friend.

Mr. HEYBURN. I do not want to spend much time on this. But it must be so obvious to the Senator that the words "public lands" were omitted in the second line, that if I have not made myself plain I would despair of being able to do so.

Mr. SPOONER. That is not the Senator's fault. It is my misfortune. I never have had much experience with the construction of statutes, but I was taught by a fairly good lawyer that it was a cardinal rule of statutory construction that if the language of a statute was not perfect it was the function of the court to seek the intent and to be governed by it.

Mr. HEYBURN. Certainly.

Mr. SPOONER. Now, it is impossible to construe this statute as meaning anything at all, except as authorizing the President not to withdraw lakes and bodies of water unless they bear forests and underbrush and all that, but to withdraw public lands not of the States, but of the United States.

Mr. HEYBURN. Oh, Mr. President, I entirely agree with the Senator on that.

Mr. SPOONER. Very well.

Mr. HEYBURN. I was raising the question as an illustration of the system of legislation and not as an interpretation of the act of Congress. It could avail us nothing to discuss the

validity of this act of Congress at the present time, and I have no intention of entering upon it at all.

Mr. SPOONER. I understood the Senator to say that it began nowhere and ended nowhere—

Mr. HEYBURN. I shall have to adhere to that.

Mr. SPOONER. And covered nothing.

Mr. HEYBURN. Yes.

Mr. SPOONER. Now, I find that the Senator and I are in entire accord as to the construction of it, and I withdraw what I said about my misfortune and will relieve the Senator from further interruption.

Mr. HEYBURN. I would not agree with the Senator that he was unfortunate in that regard at all.

Mr. SPOONER. It looked so.

Mr. HEYBURN. I merely desire to direct the attention of the Senate to the system of legislation. It is true that six years later Congress did repeal this provision of the act of 1891; that is to say, it vacated all Executive orders creating forest reserves under it. Pursuant to that action of Congress those reserves were re-created, I presume, to cover the acknowledged defects in the law. But that is not material to what I am going to say. That is not the question I rose to discuss.

Mr. SPOONER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Certainly.

Mr. SPOONER. If my friend will permit me, I do not intend to interrupt him, as I allowed him to interrupt me, ad libitum, but does he mean to say to the Senate that the act of June 4, 1897, in any wise revoked or even suspended the orders of the President made under the act of 1891?

Mr. HEYBURN. Well, the act can speak for itself. It reads—

Mr. SPOONER. Yes; it reads.

Mr. HEYBURN. It reads—

All public lands heretofore designated and reserved by the President of the United States under the provisions of the act approved March 3, 1891, the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as public forest reserves under said act, shall be as far as practicable controlled and administered in accordance with the following provisions.

There is another portion of the act that is not in the little handbook I have here.

Mr. SPOONER. Right here, if the Senator will permit me, does not that explicitly recognize as in force and validate every Executive order reserving public land under the act of 1891 not theretofore unrevoked or suspended by the President, and also authorize a continuance of that policy? I speak with the language before me here.

Mr. HEYBURN. The purpose of this recital—

Mr. SPOONER. Will the Senator agree with me?

Mr. HEYBURN. I will answer the Senator. I think the Senator was reading from the same book I have in my hand, and it does not contain another provision of the statute that made this recital necessary. But that is immaterial to the question.

Mr. SPOONER. My friend will see that this is not a recital. It is an absolute, positive, statutory declaration.

Mr. HEYBURN. An affirmation.

Mr. SPOONER. An affirmation.

Mr. HEYBURN. Yes.

Mr. SPOONER. Both an affirmation as to the past and power as to the future.

Mr. HEYBURN. Yes; and a previous section pointed out the reason for doing it. But that is not material. We are taking the time of the morning in discussing matters that arise incidental or preliminary to the presentation of the main question which I desire to discuss, and which the Senator discussed yesterday, and that is the relation which the State holds to the lands of the United States within its borders. You can not deal with the question before the Senate in this agricultural appropriation bill fairly without dealing with that subject and without considering it, because some of the amendments to the bill under consideration attempt to deal with the lands within the States as though the States had no rights at all over them and might not legislate for their use and control. It was stated in the Senate yesterday by a Member—I am not certain that I could designate the Senator accurately—it was stated, however, that the United States holds such absolute dominion and control that it might disregard the existence of a State. That is not the law. It is neither the letter nor the spirit of the law, nor the intention of the lawmakers. The Supreme Court of the United States evidently intended to settle that question, so far as a decision might settle it, in the case decided during the present month.

Mr. President, it would be a very grave mistake should the Senate by its legislation attempt to establish or recognize such a relationship between the General Government and the States as to the lands of the United States within a State as would interfere with the laws of the State that had been enacted for the control of those lands in the hands of the proprietor, subject to the same proprietary rights that an individual has. I think the proposed legislation in this bill goes away beyond the line limiting the power of the Government over these lands.

Mr. President, we are told that the forestry policy has come to stay. That is stated in some messages that have been received and in some communications that have passed from the Executive Department of the Government. "Forestry policy" is such a general term that it is almost impossible to deal with it. In the first place, "policy" is an entirely inappropriate term. This is not a government of policy. This is a government of law. The people would not be able to define the lines of a policy, but they are able to define the lines of a law. Kings and emperors rule by policy. The policy of this or that autocratic rule is understood to be the will and pleasure of the ruler. But we have no corresponding element of power in this country. The requisites of a law are that it must be certain in its provisions, so that the citizen, not the subject, may know the limit and lines of his rights. Policy pertains to subjects, and a subject at his peril estimates his privileges under a government by policy. A citizen estimates his rights under a law. That distinction between a government that is based upon a policy or a ruler and a government that is based upon a law made by the people themselves marks the distinction between the forest-reserve policy and its attributes under the rules and regulations of the Forester and the rights of the people to the free use and participation in the use of these public lands belonging to themselves.

Now, the courts have recognized that distinction. The decision to which I referred, which is reported in the United States Supreme Court Reports, volume 114, in 1884, in the case of the Fort Leavenworth Railroad Company v. Lowe, lays down the following doctrine relative to this question:

When the United States acquire lands within the limits of a State by purchase, with the consent of the legislature of the State, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, the Constitution confers upon them exclusive jurisdiction of the tract so acquired; but when they acquire such lands in any other way than by purchase with the consent of the legislature, their exclusive jurisdiction is confined to the erections, buildings, and land used for the public purposes of the Federal Government.

A State may, for such purpose, cede to the United States exclusive jurisdiction over a tract of land within its limits in a manner not provided for in the Constitution of the United States and may prescribe conditions to the cession, if they are not inconsistent with the effective use of the property for the purposes intended.

If a State, thus ceding to the United States exclusive jurisdiction over a tract within its limits, reserves to itself the right to tax private property therein, and the United States do not dissent, their acceptance of the grant with the reservation will be presumed.

In the act admitting Kansas as a State there was no reservation of Federal jurisdiction over the Fort Leavenworth Military Reservation. The State of Kansas subsequently ceded to the United States exclusive jurisdiction over the same, "saving further to said State the right to tax railroad, bridge, or other corporations, their franchises and property, on said reservation." Held, That the property and franchises of a railroad company within the reservation was liable to pay taxes in the State of Kansas imposed according to its laws.

Now, there is the fullest measure of the exception to the principle I have stated that has been stated by any court at any time, and that is the fullest measure of the rights of the United States Government to any land within any State. It is a limitation of their rights that leaves no room for doubt or controversy. That rule leaves, so far as the right of the State to regulate and control by legislation the occupancy and enjoyment of open commons of the public lands of the United States within its boundaries is concerned, a free hand to the legislature.

The legislature of Idaho enacted a law regulating the use, occupancy, and enjoyment of the public lands of the United States within that State by citizens of the State of Idaho for grazing purposes. A controversy arose as to whether or not the State might so legislate. There are two points presented. One of them involved the right of a State to exercise a police power through its legislature. The Supreme Court passed upon that question, and then they proceeded to say:

Is it true, therefore, even if it be conceded that there is right or license to pasture upon the public domain, that the State may not limit or regulate the right or license?

That is the inquiry the Supreme Court put. They answer it as follows:

Defendants in error have an equal right with plaintiff in error, and the State has an interest in the accommodation of those rights.

There is the explicit declaration that individuals have a right, because of the enactment of a law by the State, to enjoy the lands of this proprietor within the State. It was suggested yesterday that it would be competent for the Government to

fence those lands or to enact a statute; that it would be competent for Congress to enact a statute saying that no man should set his foot upon these lands of the Government that lie within the State. It would not be competent for Congress to do anything of the kind. The Supreme Court said—

Mr. BEVERIDGE. Will the Senator repeat that statement? I did not hear it distinctly.

Mr. HEYBURN. It would not be competent for Congress to say that no man should set his foot upon the lands of the United States within a sovereign State. That is a regulation that can only be made by the legislature of a State, that is vested with the power to grant easements, rights of way, for ingress and egress over lands, and to exercise that general control. It is not a police power in any sense of the word, but it is a regulation of the relative rights of the citizens of the States to exercise those rights incident and necessary to their full enjoyment as such citizens.

The Supreme Court of the United States says that there are three parties to this consideration, and does not name the United States as one of them.

Defendants in error have an equal right with the plaintiff in error—
That is, on the public lands, an equal right with the plaintiff in error.

Mr. BEVERIDGE. Who is the plaintiff?

Mr. HEYBURN. The parties named here. It is *Bacon v. Walker et al.*

And the State has an interest in the accommodation of those rights.

What does the word "accommodation" mean? It means the balancing and the harmonizing of the rights of parties upon something that belongs to neither of them, upon lands the title of which is in neither of them, as in this case.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. I would not do it except the Senator invited the interruption by addressing his question to me.

Mr. HEYBURN. It does not interrupt me at all.

Mr. BEVERIDGE. Does the Senator claim that the right of control by the Nation over lands belonging exclusively to it is the same as that of an individual over lands belonging exclusively to him?

Mr. HEYBURN. The Supreme Court has said so. I am willing to take the voice of the Supreme Court as the ultimate wisdom on that question.

Mr. SPOONER. Will the Senator allow me?

Mr. BEVERIDGE. May I pursue this line with just one or two more questions?

Mr. SPOONER. Then will both Senators allow me to interrupt both of them?

Mr. BEVERIDGE. All right.

Mr. HEYBURN. I will join in that consent.

Mr. SPOONER. The Supreme Court say in this case, which has nothing whatever to do, as I read it, with this question, the following:

We speak only of the right to pasture, because plaintiff in error does not show that he is the owner of the land upon which his sheep grazed, and what rights owners of land may have to attack the statute we put out of consideration.

Mr. BEVERIDGE. I thought the Supreme Court could not have said anything else than that. Now, may I pursue my question?

Mr. HEYBURN. I will throw some enlightenment on that suggestion, and I think I should do it in connection with the Senator's remarks. The Supreme Court said in effect that they were considering this question as to the right of parties on the public domain and not on their own individual and private property. That is the effect of that portion of the opinion.

Mr. SPOONER. The court said further—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Certainly.

Mr. SPOONER. There is nothing in connection with this case which raised the question, if I am capable of reading aright the decision, as to what power, if any, police power, the State has in respect to grazing upon the public domain of the United States against the will of the United States. The conflict was between two citizens, but the court say—

The VICE-PRESIDENT. The Senator from Wisconsin will suspend. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 13566) to amend sections 6 and 12 of the currency act, approved March 14, 1900.

Mr. ALDRICH. I ask that the bill be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Rhode Island

asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. SPOONER. I call the attention of the Senator from Indiana to this. The court say:

Is it true, therefore, even if it be conceded that there is right or license to pasture upon the public domain—

It was a case where the Government did not object, and no question was raised about it; it was a conflict between two citizens—

that the State may not limit or regulate the right or license?—

Now, the law was passed to operate upon and restrict citizens. Of course where the Government does not object citizens pasture their sheep and cattle on the public domain, and they are liable to the regulation made by the State, if it is made to operate upon them as citizens of the State, not upon the land. But the question here is whether they could pasture upon the public domain their cattle and their sheep if the Government of the United States said they should not and chose to fence it.

Mr. BEVERIDGE. That is it.

Mr. SPOONER. This case does not and could not touch that question.

Mr. BEVERIDGE. Of course not.

Mr. HEYBURN. That is an interesting question. I will agree with the Senator that the property of the Government may not be taken against its consent, and that to pasture on the public lands, should the Government forbid it, would be a violation of a just provision of the law and a violation of the rights of the Government. I was not discussing that question. I was discussing the question of the right to occupy and pass over and enjoy in common the public lands of the United States within a State and of the right of a State to provide by legislation for that enjoyment.

Mr. SPOONER. That is, where the Government consents?

Mr. BEVERIDGE. Yes; where the Government consents; not otherwise.

Mr. HEYBURN. The Government is consenting.

Mr. SPOONER. So the Senator and I are not in disagreement.

Mr. BEVERIDGE. When I yielded to the Senator from Wisconsin I was asking a line of questions which the Senator from Idaho invited. I felt quite sure, although I had not seen this recent decision of the court, that precisely what the Senator from Wisconsin read must be in it, and my questions were designed to show it. However, in view of the Senator's admission, I will, with his permission, pursue my questions one or two questions further. Does the Senator say that the power of the Nation over lands belonging to it within a State is as great at least as that of an individual?

Mr. HEYBURN. Just the same.

Mr. BEVERIDGE. They are just the same; no less?

Mr. HEYBURN. No more.

Mr. BEVERIDGE. No less, at least?

Mr. HEYBURN. And no less.

Mr. BEVERIDGE. Then, if they are no less, can the State pass a law which compels the individual to surrender control over his land?

Mr. HEYBURN. No.

Mr. BEVERIDGE. Then the State can not pass such a law compelling the Nation to surrender its control over its land?

Mr. HEYBURN. No.

Mr. BEVERIDGE. That is all I want to ask.

Mr. HEYBURN. That question is not involved in this consideration, and I was not discussing it except as incident to the consideration of the general power.

Mr. BEVERIDGE. The Senator will find, when he reads his remarks, that he had gone so far as to insist that the State could pass laws controlling the authority of the nation over its own land.

Mr. HEYBURN. That is where the Senator misunderstood my position. I was discussing sections 1210 and 1211 of the Statutes of Idaho, and I will read them so that the Senator may understand to what this opinion was directed.

Mr. BEVERIDGE. I am satisfied the Senator will find on reading his remarks that I interpreted his remarks exactly correctly.

Mr. HEYBURN. I was discussing the question as a right existing between two individuals, one against the other, and that is the only question involved in this decision.

Mr. BEVERIDGE. Yes, Mr. President, that may be true as to what the Senator was discussing; but the Senator had gone into a very broad discussion of the relations of the State's authority to control the land of the nation, in which he made some very sweeping statements, and I think he will find that he went too far.

Mr. HEYBURN. If I did I think I can very soon make the

record speak the truth, because I say now that my remarks were directed to the question involved in this case, and I will, of course, be controlled by the subject-matter of the decision and the consideration of it.

Mr. BEVERIDGE. Very well.

Mr. HEYBURN. The statute under consideration is comprised in two short sections:

SEC. 1210. It is not lawful for any person owning or having charge of the sheep to herd the same, or permit them to be herded on the land or possessory claims of other persons, or to herd the same or permit them to graze within 2 miles of the dwelling house of the owner or owners of said possessory claim.

SEC. 1211. The owner or agent of such owner of sheep violating the provisions of the last section, on complaint of the party or parties injured before any justice of the peace for the precinct where either of the interested parties may reside, is liable to the party injured for all damages sustained; and if the trespass be repeated, is liable to the party injured for the second and every subsequent offense in double the amount of damages sustained.

The Supreme Court says, in stating the facts:

Defendants in error under the provision of those sections brought this action in the justice's court of Little Camas precinct, Elmore County, State of Idaho, for the recovery of \$100 damages alleged to have accrued to them by the violation by plaintiff in error of the statutes, and obtained judgment for that sum. The judgment was successively affirmed by the district court for the county of Elmore and the supreme court of the State. (81 Pac., 155.) The case was then brought here.

It was alleged in the complaint of defendants in error, who were plaintiffs in the trial court, that plaintiff in error caused his sheep, about 3,000 in number, to be herded upon the public lands within 2 miles of the dwelling house of defendant in error. The answer set up that the complaint did not state a cause of action other than the violation of sections 1210 and 1211 of the revised statutes of the State of Idaho, and that said sections were in violation of the fourteenth amendment of the Constitution of the United States. The specifications of the grounds of the unconstitutionality of those sections were in the courts below and are in this court (1) that plaintiff in error has an equal right to pasture with other citizens upon the public domain, and that by imposing damages on him for exercising that right he is deprived of his property without due process of law.

Now, that raises the question squarely as to whether or not the legislature may enact a statute regulating the occupation and use of the public domain of the United States, and while the question of police power was discussed the court dismissed it and referred to this as the question upon which the rights of the parties must be determined.

Mr. BEVERIDGE. Will the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. This was a case involving the conflicting desires of two citizens to pasture on the public domain, which the Nation had not objected to?

Mr. HEYBURN. Yes.

Mr. BEVERIDGE. Now, could the case have arisen at all if the Nation had objected?

Mr. HEYBURN. No; the United States is in the same position as any other proprietor of land. I have said it over and over again.

Mr. BEVERIDGE. So the legislature could pass no law respecting the Nation's land over the objection of the Nation?

Mr. HEYBURN. I have not contended that it could, nor is it a part of the subject-matter that I am discussing. The question might be raised upon this decision, but it is not necessary to raise it in considering the question I have been addressing myself upon.

I merely wanted to premise my statement by defining what, in my judgment, is the relation between the Government and the people of a State in regard to the use of the public lands. I shall proceed briefly to some other suggestion made by the Senator from Wisconsin, who came into the Senate after the major portion of the discussion had passed and took up the question of the wisdom of the forest-reserve policy, and in an eloquent and able manner presented his views in support of what he calls the policy of the Department.

I would call the attention of the Senator from Wisconsin to the question of policy and to the propriety of considering the question of policy in determining the question before us at this time. I do not take the question of policy or the principle of policy into consideration at all. I am discussing the legal rights of the States. I would submit this inquiry for consideration. With lands of the United States, having a legal status, subject to certain laws and rules as to the manner in which they may be acquired within a Territory, the Government making that Territory a State, upon the assumption that the natural resources undeveloped taken in connection with those developed will constitute the basis of the future growth and prosperity of the State, has the Government a right—and when I use the term right I mean the moral right—has the Govern-

ment the moral right to so change the status of those public lands as to frustrate the purpose for which the State was created? Ought it to do it?

I will instance a case. Suppose the Government, immediately upon the admission of this State, had withdrawn all lands permanently from settlement or sale under any law. Would it have been within the spirit of the act creating the State on an equal footing with the other States that the Government should have done that; that it should have said by that act, "You will never grow larger than you are, and if you increase in population it shall be only through the medium of a division of existing holdings?" Would the Government of the United States have a right to do that after having created a State?

Did not the Government say to the State when it created it: "We give you the benefit of our cooperation through development, whether by sale or otherwise, under the existing laws or the laws that shall be an improvement upon them and that shall not repeal them; we give you the right and the opportunity of growing in population, in wealth, and in greatness?" Is not that the spirit of the law which creates a State? It seems to me when a State is to be created upon an equal footing with the original States, upon which there were no restrictions, that must be true. Then, Mr. President, if it be not true, the State might be confined to the limit of its condition at the time of its admission?

The Senator from Wisconsin speaks of his experience in the State of Wisconsin in dealing with forests. How would it strike the Senator if it were proposed to retake possession of these forest lands that have been denuded and create forest reserves, cover them with the restrictions that are thrown around the forest reserves under existing laws, reforest them by planting trees upon them, and let Wisconsin wait for the further development that would naturally result from the settlement and development of those lands until the trees grew? I wonder if that would meet with the approval of the Senator from Wisconsin. There are vast areas of land—for I have seen them—in the State of Wisconsin that were formerly heavily covered with timber. The trees were converted into farmhouses and barns and fences and railroads and cities, and you have them. You can not have those things and have the trees, too, any more than you can have the cake and the penny at the same time. That has been true from the beginning.

I wonder what would have happened had the Chief Forester of to-day been one of the Pilgrim Fathers when the *Mayflower* landed on the coast of New England. The first thing he would have done, or old Governor Carver, who, I believe, was the leading spirit at that time, would have done, would have been to create a forest reserve covering New England, have forbidden anyone to acquire title to the land, and have said: "You can live in the regions adjacent to this timber, and we will sell you what timber you want; we will give you free timber up to a certain extent, but you must not hope to become the owners of the soil." What would have happened? Because we know that New England, as the historian tells us, was one unbroken forest, and we have only to look at it to-day to ascertain that.

Mr. BEVERIDGE. Mr. President, will the Senator from Idaho permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. I have been pretty thoroughly over the State which the Senator from Idaho refers to—the State of Wisconsin—and in answer to the Senator's question to the Senator from Wisconsin, which, of course, the Senator from Wisconsin is much more able to answer than I am, I can state from my own personal observation that all the farmhouses and all the towns and all the cities of that magnificent American Commonwealth could have been built with a small fraction of the timber that has been ruthlessly taken from those now almost desolate places; and if the Senator states that that forest, consisting now of those almost limitless acres of melancholy spaces, has gone into the farmhouses and towns of Wisconsin, I can tell him that I think the Senator from Wisconsin will agree that it has gone all over the country and all over the world, and the results of it have gone into the pockets of some men who are enormously rich.

Mr. HEYBURN. Mr. President, I am obliged to the Senator from Indiana for the suggestion, because the idea carries further, goes perhaps beyond the limits of the State of Wisconsin, and, perhaps, had it not been for those forests, that great city of Chicago, at the foot of the Lake, might not have been built. There must be great cities built outside of the forests and outside of the timber limits of the country, that must draw upon those forests for that purpose, and there are

untold millions of feet of lumber from the forests of Wisconsin and Michigan, and Minnesota, and perhaps Canada, and Indiana and Illinois in the great buildings of Chicago.

Mr. BEVERIDGE. Mr. President, Chicago is built of stone and steel and brick.

Mr. HEYBURN. Mr. President, I am astonished that the Senator should interpose such an objection as that. I knew Chicago when it was built of wood.

Mr. BEVERIDGE. But that Chicago was burned down.

Mr. HEYBURN. That was burned down, but it does not alter the fact that there must have been a Chicago to burn and that there were people who lived there and made their homes there and reared their families there for half a century before it was burned. Simply because the city was burned down does not change the argument or the conclusion; and even in the iron and brick city of Chicago there is to-day used over a hundred million feet of lumber. The suburbs of Chicago are built of lumber. The interior of the buildings, as suggested to me by the Senator from New Hampshire [Mr. GALLINGER] are built of lumber. I only give Chicago, however, as an instance. All up and down that section of the United States the towns and hamlets and villages and farms represent what were once trees and forests that have left their unsightly stumps upon the ground. The other day I passed through a city in the State of Wisconsin bearing the name of the distinguished Senator from that State, and I saw all around it the remnants of what had recently been a forest, and I saw amid these remnants little gardens, with green vegetables growing, and little farms and little orchards and prosperous homes, with houses painted white and blue and green, and looking as cheerful and promising for a great civilization as this section of country looked in the days when they first undertook to lay out the city of Washington.

Mr. SPOONER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Certainly.

Mr. SPOONER. How recently was that?

Mr. HEYBURN. Last fall.

Mr. SPOONER. Before the snow?

Mr. HEYBURN. Oh, yes; I have been here since the snow.

Mr. SPOONER. I wondered if the snow had gone.

Mr. HEYBURN. No, no, Mr. President, I think that statement will have to stand. The Senator has not interposed a denial. I have been through the place often and always looked at it with interest because of the distinguished name it bears. [Laughter.]

Mr. SPOONER. I am glad, Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Certainly.

Mr. SPOONER. I am glad that I have been of any benefit whatever to the little town which bears my name, with the naming of which, however, I had nothing to do.

Mr. President, if the Senator will permit me, I understand him to have abandoned his contention that the Government of the United States as the proprietor of land in a State has not the same right as an individual proprietor to sell it, to lease it, or to refuse to sell it or to lease it, and that his argument now is based—and upon that we are in accord—upon a moral proposition, and that having created the Territory of Idaho into a State, as Wisconsin Territory was created into a State, the Government is under moral obligation to treat its lands in Idaho as it treated its lands in other States. That is not what is meant by equality among the States or their being upon the same footing as the other States. What is meant by that—and it is a customary formula—is not to minimize the power of the Government or its discretion and policy as to the disposition of its lands within a State, but it is to secure equality in law and in its relation to the Union with each of the States. It is to imply that no State in its sovereignty, a sister member of the Union, shall be below any other State. That is all, if the Senator will permit me a moment—

Mr. HEYBURN. Certainly.

Mr. SPOONER. That is all it means. It does not touch the question which the Senator is discussing.

Mr. President, it would have been infinitely better for the State of Wisconsin and for the people of Wisconsin if the Government of the United States in the old days had withheld from sale the large tracts of Government land bearing forests. The Senator from Idaho speaks of that little town. Forest fires, that to-day as to Government land would not occur, destroyed the timber for miles around that little town. Once a forest fire in Wisconsin was so frightful in its devastation, so akin to the common notion of hell in its destruction of men,

women, and children, and homes, so costly in life and property as to stagger almost the sense of humanity because of carelessness and neglect in the cutting of timber. To-day our forests are denuded. Your State has been treated as my State was treated as to the public lands. The Government may learn something in the management and administration of its property, as individuals learn something, by the lapse of years and with observation and experience.

Idaho was not forced into the Union by Congress; Idaho asked to come into the Union—her people did—as the other States have petitioned to come into the Union. Has the Congress of the United States, in admitting Idaho into the Union, been less generous to Idaho in grants out of the public domain than she was to Wisconsin or Michigan or any of the older States? You have, how many millions of acres in the heart of this forest reserve in Idaho—1,000,000 acres?

Mr. HEYBURN. Yes.

Mr. SPOONER. Where did you get it?

Mr. HEYBURN. The land was there.

Mr. SPOONER. Of course the land was there.

Mr. HEYBURN. And the people found it there, and people constitute a State and not land.

Mr. SPOONER. But the people of Idaho did not own that land. That land was owned by the people of Wisconsin, the people of New York, the people of all the States, and the Government of the United States, represented by Congress, gave that land to the State of Idaho.

Mr. HEYBURN. The people of Idaho were a part of the Government that did it.

Mr. SPOONER. Did the people of Idaho give it to themselves?

Mr. HEYBURN. They were a part of the Government that gave the land to the State of Idaho, because the people constitute the country.

Mr. SPOONER. Yes; but the people were not represented in Congress with votes until Idaho was admitted into the Union as a State.

Mr. HEYBURN. They were represented—

Mr. SPOONER. By a Delegate.

Mr. HEYBURN. Yes.

Mr. SPOONER. With no vote.

Mr. HEYBURN. With no vote.

Mr. SPOONER. That Delegate could not vote to dispose of an acre of public land, but the Government of the United States, representing all of the States, with Senators and Members of the House of Representatives who had votes when Idaho was admitted into the Union, carved out of the public domain belonging to all the people this million acres of land and gave it, as it had been given to other States in lesser quantities, to the State of Idaho.

Mr. HEYBURN. Mr. President—

Mr. SPOONER. Now Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Wisconsin?

Mr. SPOONER. I will be through in a moment. I am going out.

Mr. HEYBURN. I am sorry for that.

Mr. SPOONER. I love to hear the Senator speak, but I do not intend to be beguiled into interrupting him again. But, Mr. President, does the fact that the Congress of the United States granted the petition of Idaho to be admitted into the sisterhood of States bestow upon her this million acres of land out of the public domain, owned by all the people, constitute a moral obligation upon the part of the Government to turn over eighteen million or more acres of the public domain covered by forests to spoliation?

Mr. HEYBURN. No.

Mr. SPOONER. To the destruction of the water supply; to the interruption of the great work of irrigation. If it were not for Jacksons Lake and Buffalo Creek and Atlantic Creek and other streams of the sort, fed by the snows, protected on the hills by the trees, 1,200,000 acres in Idaho would not be susceptible of irrigation. That water supply, a good part of which comes there from the conservation of the water supply of the surrounding country, keeping the snow under the trees as long as possible, helps Idaho.

This matter of forest reserves, while it is of great benefit in the long run to Idaho, helps other States; helps even remote States. The destruction of the timber at the headwaters of the Mississippi River, in the State of Minnesota, had such an effect upon the water supply for the Mississippi that the Government appropriated millions of dollars to establish a reservoir system up in that region, which proved a failure and had to be abandoned. Of course, I can understand the point of the Senator from Idaho. You want taxable values in your State.

Mr. HEYBURN. And people.

Mr. SPOONER. And you want people in your State; but is there not, my good friend, a little danger, if this policy were abandoned as to Idaho, that in more ways than one you would sacrifice the future to the present?

Mr. HEYBURN. Now, Mr. President—

Mr. SPOONER. I will not interrupt the Senator again.

Mr. HEYBURN. At the price, I would rather be interrupted than to have the Senator leave the Chamber, as he suggested, because it has been my misfortune on occasions that the Senator was only here a part of the time and only heard a part of the presentation of the ideas which I have undertaken to make to the Senate. Of course I realize that the Senator can not always be here, but I do not like to have him make so strong a presentation of his view in the case, as he has made in the last few minutes, and go away with it unanswered, because—

Mr. SPOONER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Yes.

Mr. SPOONER. Let me say two things to the Senator. First, I have never left the Chamber when the Senator was speaking unless I was obliged to do so.

Mr. HEYBURN. I have no doubt of that.

Mr. SPOONER. I have been a fairly good listener.

Mr. HEYBURN. I was not complaining about the Senator.

Mr. SPOONER. I am obliged to leave in a moment; but I want to state to the Senator that in my absence, if there was anything of argument in my observations, he can answer it and convince the Senate. I speak only my own view, and if I remained in the Senate the Senator from Idaho would not expect to change my views.

Mr. HEYBURN. Well, I am not presumptuous enough to expect to change the Senator's view based upon a complete understanding of the matter.

Mr. SPOONER. The Senator often has changed my view.

Mr. HEYBURN. That is a very great compliment to myself. I am discussing something that I might say, without fear of being thought presumptuous, I know more about than does the Senator from Wisconsin, because I know more of Idaho and of the conditions there, and of its timber and of its streams and its climate and its possibilities and its people, than any man who knows it only as he sees it on a pleasure trip or a hunting trip or passing through it for business purposes. I have studied every feature of it.

Mr. SPOONER. Mr. President—

Mr. HEYBURN. If the Senator will pardon me just a moment, I desire to say a word in regard to the question of the water supply. To a man who knows it as I know the Snake River and its tributaries—talk about Jacksons Lake being the source of the water supply, talk about the conservation for the arid regions of water by forest reserves, when the very first reserve that was created, and, I think, perhaps the largest in area in the State, does not cover an inch of water that flows into an arid region at all, but covers a region that has more snow than the people want. If you can devise a plan to get the snow out of there thirty days earlier in the spring, you will add immensely to the wealth and welfare of the country.

Mr. President, I have often heard these theories in regard to the conservation of the water supply. I have lived too long in the forests and among them not to know the conditions. I know it is written in the books, and it is believed by those who have no opportunity to know better, that the trees are great conservers of the snows. Mr. President, the flowers are blooming in the spring in the forests when the bare mountains are covered with glaciers of ice and snow. The snow amid the trees falls, sifting lightly down through the branches and lies lightly on the ground, and when the rains come, as they always come along in the spring, and drop from the trees, they honeycomb the snow, and you get up some morning and it is gone, swept down the valley out of the forests; and then you can go up onto the bald mountain tops and walk over solid glaciers of ice and snow that will remain there, some of them, the year around, and some until the dog days of August. I am speaking from experience, and I know.

In 1884, when I was living in a camp down on the foothills, covered with fine timber in those days, on the 3d day of July the gardens were growing, vegetables were fit to eat, and I started for Murray, where I then got my mail and the CONGRESSIONAL RECORD, because it was during the days when the Congress held that famous special session; and, Mr. President, when I went up onto that ridge and followed it up and up and up, I traveled for miles over glaciers that remained there until the snow came again in the fall. I went down the other side into the head of Cedar and Granite Creek and saw the flowers blooming all

around me and down to the town of Murray, then the center of that great mining country, which is the greatest in the world—

Mr. CARTER. Be careful there.

Mr. HEYBURN. Which is the greatest in the world, because it produces more than half the lead in the United States and one-third of the lead of the world. I went down into that valley, and I found them enjoying summer time, and that was one of the most densely wooded countries I ever saw in my life, with cedar trees from 8 to 12 and 13 feet in diameter.

Mr. PERKINS. Not so big as the California trees.

Mr. HEYBURN. No. You have big trees in California. The Senator knows about that. I except California. Besides, I am speaking of conditions as I know those conditions, and it does sometimes stir me up when I hear men talking about the necessity for preserving the forests in order to conserve the water. If the forests and water were recent inventions, there might be something in it; but the forests have been there since the dawn of creation, and they will be there, subject to the necessities and use of man—they will be there when the memories of this generation will be very dim on the pages of history. But in their place—

Mr. SPOONER. Mr. President—

Mr. HEYBURN. Just one moment, until I finish a thought in my mind—but in their place will be those great concentrating mills, those splendid cities and homes, not only in and among the forests, but out on the neighboring plains, in the wheat fields, and the orchards—they will be there and the new growth of timber will be there.

In our country timber adds 8 per cent every year to its volume. That is the estimate of forestry in our country. Every year it has grown and added to its growth one-eighth. So that the age of the growth of trees has not passed, and when we have used the timber of this day we need not despair that there will not be other timber. I am not in favor of denuding the forests, but I would trade the best tree on earth for one one-hundredth part of a man; I would trade the best hundred acres of the best timber in the world for one farm, with its buildings and its orchards and its family. When the Government sells timber, that is the end of the bargain, but civilization is a growing proposition. Each generation adds to the one before it. That is the difference.

What we want in Idaho is to reserve the timber. We have a citizenship in Idaho that is better capable of doing it than you can select from the best centers of the East. Tell me that a young man fresh from college, with a diploma in his hand that says he excels in the classics and in literature and in mathematics, knows more about the growth and preservation of timber than that stalwart citizenship that has lived among the timber all of its life and has preserved it and has not destroyed it.

I know from experience that they are the best guardians and protectors against fire in the world. I have seen those old frontiersmen go into the timber when the fire started and put it out according to their rules, not the rules written in this Use Book, but according to the rules of common sense—and they put the fire out. They do not want to burn up the forests. They do not want to cut a tree. They are not so fond of work that they want to cut a tree for the purpose of destroying it. They will cut it for the purpose of making a fence or a house or for some useful purpose or to build fires in their homes, but they do not go out like a lot of brigands and cut the trees down for the fun of it. You might imagine that they are outlaws; that they have no regard for the rights of other people. You forget that they are citizens of this country, and that many of them went from the East to that land.

They did not go there for the purpose of destroying it; they went there for the purpose of inhabiting it and making it a rival of this land.

There are better homes in that country on the average than in any other frontier country that ever existed. They do not build them the day they go there. They will go to a cedar tree at the season when they may do so and skin the bark off of it and make themselves a shack and occupy it until they have time to build themselves a house. I have slept under the bark of a cedar tree, because it was more convenient to do it than it was to build a house until I had determined where I wanted to build a house. Under this regulation a man may not use the forest for that purpose. He may not inhabit it at all, except by the grace of a forester.

Who are these foresters? I will not deal in names, but I saw them last summer—foresters on the pay roll of the Government, living at one of the hotels in one of the big cities in our country; a forester with a uniform peculiar to his occupation. It was stated in the paper that it was contemplated, and the rules formulated for, uniforming the foresters all over the country with

a pale-green uniform, like those that you see in the forests of Germany, with a hat pinned up at one side, with a bugle as they have in Germany, that he might wind it and call to himself other foresters with the bounds and the dogs. Is there anything American about that kind of a system? That is what it will come to. Mark my words, inside of the next five years they will uniform those foresters, if Congress continues to forget itself, because I heard it discussed among them, and I know what their idea was, I think.

Mr. President, I merely wanted to call attention to the relation which these forests bear to the people, and I want Congress to forget the idea which they seem to entertain that we are not competent for self-government. In the name of all that is sacred, why did you create the State of Idaho if it was not competent for State government? Did you create it as a plaything for Congress? Suppose the same rule had been applied to the State of Indiana or Illinois in regard to their timber lands, and you had made permanent forest reserves. Man has always settled in the forests in every new land on earth. He seeks the trees and their shelter and the opportunity for fuel and for home making always. The plains are the last part of the earth settled. That has been true since the beginning of time.

Lowell, speaking of it from a New England standpoint, having in his mind the conditions that have always existed, states it poetically: "The settler's ax and the builder's trowel are seldom wielded by the selfsame hand."

The pioneers of the frontier, as a rule, have not been young men. They have been old men or men past the prime of life, men who had failed somewhere and who went there to start again. The life of those old pioneers covered a short period only, but the sturdy sons who followed them built the homes that marked the country for civilization. I remember when I was a small boy hearing it said that Iowa would be a splendid State if they could only raise corn in it. The early settlers in Iowa were forced to the conclusion that the country would not permit the growth of corn because of the frost that happened to be there at that particular season early in its settlement.

Let the people of the State estimate it and estimate its possibilities. Let the people of the State have a voice in these things. If you want to make forest reserves in California, I will vote with the Senators from California and every other Senator who will support it to make as many forest reserves as the Senators from California think should be made. If the Senators from Montana, knowing the State as they do, want forest reserves, I will support them. But when the Senators from Idaho tell you, as my colleague told you last evening, that they are making forest reserves where there are no forests, when I speak as I do the sentiment of the people of the State—because the house of representatives of the legislature of Idaho during this week passed a resolution, with only four dissenting votes, indorsing, with a full knowledge of what it was, my course upon this question in the United States Senate—I say when we come to you for relief against this oppression, this blight, we are entitled to it. We are entitled to be heard.

When the State of New York comes to the Senate and says they need a harbor 40 feet deep at some particular point, the western Senators do not quibble and say, "Well, it may be that this ought to be 30 or 29 or 15." We say the Senators from New York represent the people of that State, and we take their judgment. Or in regard to any other question affecting the use and development of the natural resources of a State we stand and should stand for the sentiment as represented by those who express it.

I have here, as I stated the other day in my remarks, the sworn statement of the Chief Forester that he has included within the forest reserves 30,000,000 acres which have no forests on them. Thirty million acres! It is a State; it is an empire; it is bigger than half the kingdoms and empires in Europe. Thirty million acres with no timber, but grazing land, and without Congress ever having authorized it. I find this Use Book full of rules and regulations in reference to grazing. For whom are you preserving these things in Idaho? The future generations, the Senator from Wisconsin says. There will be no future generations if you starve the present generation. There will be no future growth if you stop the settlement of the land. It will only remain for those who are there to divide up their holdings and divide them up again, which adds but little to the growth and prosperity of a State.

During the last decade Idaho gained more in population than any other State in the Union in per cent. The people had settled right up to the margin and over into what are now forest reserves, and were pushing their lines forward, not to steal the land. I get tired of hearing this talk about graft and the stealing of public land. It is the individual effort to find a home

and settle there, and they call that stealing it. He may not proceed according to the rule and the letter of the law in his attempt to acquire title; perhaps he does not; but that is a matter for correction and not punishment. They have indicted a half a dozen men in Idaho for unlawfully acquiring public lands or for acts in connection with the acquiring of public land. A half a dozen men out of 300,000 good citizens! And yet they would say this is a reason why we should stop the settlement of these lands.

The pioneers are of a high average of integrity and honesty, and always have been. They were in Illinois. Men boast of their descent from the pioneers. They were in New York. The men who settled on Manhattan Island are the boast of those who have descended from them. They were honest men. They were not all honest men. They had their stocks and their gallows and their whipping post in those days and in larger measure and larger percentage than they do now. You might imagine from the discussion you have heard of this question and from what we read in the papers that there was never any necessity for a prosecuting attorney or for a jail or for gallows until the new States were created in the West. Those instrumentalities have existed all the way from the plains of Asia through to the Pacific Ocean on the march of civilization.

The percentage of good men now is greater than it ever was before. The men of the West are picked men. The drones do not reach that country. The men who have settled those new States are distinguished for their energy and their probity. They leave their doors unlocked at night and in daytime out there, and they are not troubled as to the honesty of their neighbors; and yet because forsooth a few men without conscience have violated or attempted to violate the law, all of that great citizenship is to be condemned and branded as incapable of self-government, not to be trusted in the performance of the duties that devolve upon it, not to be believed under oath.

A new rule for the establishment of facts must be adopted—that of inspection; inspection by men not under oath; inspection by men who make unsworn reports against the testimony under oath of citizens who are up to the highest standard of American citizenship. That is the condition we are confronting. It is because we are up against these things that we presume to occupy the floor of the Senate and its time and attention during the discussion of these measures that dare not come into the Senate openly. These measures for further encroaching upon the rights, hampering the growth, stifling the industries, dare not come up here by the way of that desk, open and aboveboard. Of course I do not mean by this to imply any wrong motive or action on the part of any Senator in charge of a bill or any committee, but I am speaking of the system and of a method, and in the exercise of the high duties which devolve upon us in this body it behooves us at times to take stock of ourselves and of our methods.

I say if this legislation had come before us as an independent measure proposing to do what it has done from time to time it never would be enacted into law. It was dragooned through because it was a part of a general appropriation bill, and when you oppose it you are met with the sentiment, "Would you stop the wheels of Government merely because this little provision does not please you?" So we claim the indulgence of the Senate for what may seem an overpersistence in pressing these objections upon its attention.

I regret that it is necessary to take up the time of the Senate and delay the final consideration of the appropriation bill in order that we may enter our final and strong protest against the class of legislation which is represented by the forestry provisions of this bill.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER (Mr. CLARKE of Arkansas in the chair). Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. Certainly.

Mr. McCUMBER. Before the Senator from Idaho takes his seat I wish to ask him a question merely for information.

The Senator has made a statement to me very startling. His statement, if I understood him correctly, was that the tracts held as forest reserves would, if they were denuded of their timber, reforest at the rate of about 8 per cent a year. In other words, if to-day all of the available timber was taken from those forest reserves, in twelve and a half years there would be the same number of millions of feet of lumber in trees upon the tract as there is to-day. If that is true, it certainly puts an entirely different phase upon this whole question.

The Senator's argument also, it seems to me, if it establishes anything, establishes the fact that it is absolutely unnecessary to have a forest reserve in the State of Idaho for the purpose of conserving the water supply; that there would be no con-

servation of the water supply by reason of the conservation of the timber belts.

Right here is the other proposition I wish to submit to the Senator, if I may put the three propositions to him. He said about 30,000,000 acres which are not actually forest lands are held under the forest-reserve proposition. If that is true, and if we come to the conclusion that it is necessary to have forest reserves, then why should not this whole bill be so amended that we would absolutely cut out every acre of land that will not of itself make a forest and a forest necessary for the preservation of the water supply?

So there are the three propositions: First, whether the forests, if denuded, will in twelve and a half years be reforested; secondly, whether it is necessary at all to have a forest reserve in order to conserve the water supply, and third, whether or not this bill could not and should not be so amended as to absolutely exclude all agricultural lands.

Mr. HEYBURN. The Senator from North Dakota lays down rather an extensive subject for consideration, but I will try to answer it fully and yet briefly.

In the first place, the Senator from North Dakota misapprehended the statement that the accretion or growth of timber was 8 per cent a year. That is the growth in each tree. In other words, a tree will have 8 per cent more lumber next year than it has this. That does not mean that a tree growing out of the ground would grow to maturity in eight years.

The growth of a tree in my immediate section of the State—and I have had excellent opportunity to observe it—is illustrated by this instance.

In 1883 the mountains lying back of Wallace were burned so that when you walked over the ground, as I did that fall and winter, the ashes would stick to your shoes. The next year that ground was covered with little trees coming up. They are red firs, tamaracks—what they call larches in the East—and pine trees. In 1884 that growth started. It is now a thick, well-set growth of trees running from 40 to 80 feet in height. You can estimate the growth of a tree from that instance. But the Senator misapprehended the application of my statement as to the 8 per cent. Those estimates are made by men thoroughly acquainted with the process and the facts relative to the growth of trees. That is the first proposition.

The second proposition submitted by the Senator is as to the necessity of forest reserves to conserve water. The necessity of the conservation of water of course is emphasized because of the existence of the reclamation act. The reclamation act depends more upon water than it does upon money. It depends upon both of them, but water without money defeats the purpose of the act, and money without water would render the bill of no effect. You have to take both of those elements into consideration. If you should withdraw the land from settlement, when the fund is derived only from the sale of the lands, you would starve the fund. If you destroy the water supply, which is not possible, then the fund would be of no use.

North Idaho is not an arid country, and it is as big as several States in the Union. I live in that part of the State. North Idaho is in the humid region, where we need no irrigation, where we have too much water, where we have to-day on the level from 4 to 6 feet of snow; and yet they selected that as their first victim in the creation of forest reserves.

In south Idaho they have created forest reserves around the head of Lost River. Now I am talking about something in which my colleague is particularly interested. There is a reclamation withdrawal called the "Dubois tract" down there.

The forest reserves are over in north Idaho. The Salmon River flows down through the lower part of this heavy forest reserve, and the streams flow from the south into the Snake River. There is no land needing irrigation in that country. There is a natural rainfall quite sufficient for all purposes, and we raise from 30 to 50 bushels of wheat to the acre, averaging over immense areas every year. There are fine orchards, and the products of the vine and the soil are found in great quantities, and we have no reason to complain of the bounty of nature in any degree.

In south Idaho, in the section of country from which my colleague comes, they have created forest reserves largely on the headwaters of Lost River. Lost River never reaches any other river so far as we know. It is comprised of two branches—Big Lost River and Little Lost River—and they flow through a beautiful country. The waters are taken out along the banks, to be used for local irrigation, and the result is that nice communities have grown up there. The water facilities can be immensely enlarged by damming and preserving that water. But the water does not go into the Snake River. Of course there are all sorts of theories as to where the water goes. It flows into a broken lava formation and disappears. You can hear it

going down indefinitely. It may come out anywhere. It does not feed any river that flows into any reclamation project of the United States at all.

Now, the streams referred to by the Senator from Wisconsin exist more in the poetry of imagination than they do in practical every-day application. It is true that Henrys Lake is a splendid reservoir. Others could be created at the head of Snake River. But you will observe that the only forest reserve they have made up in that country is insignificant in size and area. It is the little forest reserve appearing here [exhibiting on map]. It is not as big as an ordinary township. So where they needed it they have not made it, and where they do not need it, they have made it. That is the condition. That answers the second problem.

We in Idaho are not in danger of drought. Under the Carey Act we have brought under cultivation two immense tracts of land which three years ago did not have an inhabitant on them, but were sagebrush plains, and to-day they resemble the old settled valleys of this country, with their good homes and farms. They raise wheat and vegetables and crops of every kind, and people have built a railroad 72 miles in length since two years and a half ago, because the country justified it, and they are extending the railroad and extending the reclamation project under the Carey Act, which, in my judgment, is quite as beneficent a law in its purpose and effect as the reclamation act. Both of them are good.

Mr. President, we have a vast quantity of water. As my colleague said yesterday, it is all in use. That is, he meant to say that wherever the lands have been prepared for its use and the canals constructed we are using it, but the water can be used over and over again, and we all know from experience that after three or four years of irrigation the land sends its waters back to the streams from which it came. We know that by experience. We have seen new country that would absorb a vast quantity of water for the first few years, and then after the ground became saturated and the surface covered with grass, trees growing, conditions changed, the land seemed no longer to be thirsty.

While we still use it in lesser quantities for irrigation, yet the quantity grows less and less. I know upon the banks of the Delaware River when I was a boy there were remnants of the old irrigation ditches that were taken out by the Swedes when they settled on the Delaware and they thought they had to irrigate the land, and those ditches remained there, growing more indistinct every year, until probably now they have been plowed up and passed out.

But this country changed—vegetation changed conditions, changed soil, and the necessity passed away. It will in that country. The great Twin Falls enterprise, which has created a city that has just been made the county seat of a new county and that has from three to five thousand inhabitants, is not three years old. There are other towns all along the line of the railroad. Those are settlements that have resulted from the use of the water, and that water passes back into the Snake River and is taken up farther down, and new communities grow, and thus it will ever be. But the forest reserves did not do that or have anything to do with it.

Mr. President, for whom are we saving this timber in Idaho, I repeat? Let this generation legislate for this generation and have some confidence in the generation to come being able to legislate for that generation. It reminds me of something we often see in life, a man wearing his life out in order that he may bequeath his sons a fortune ready made. It carries with it the implication that he has no confidence in his sons being able to take care of themselves. So it is with this proposition. This generation stands on the floor of the Senate and overlooks the members of this generation and their interest in this new country; it looks beyond them and sees only the generations of the future. Let us legislate for this generation.

Mr. President, I have said all I intend to say upon this question. I shall oppose this grazing proposition because it will result in a monopoly. It will result in the building up of the biggest and most vicious trust that ever existed in the United States. It will place one man in dominion over the largest area of land over which any single man ever ruled in what claimed to be a republic. It will give power and create expense and absorb the interests that belong to the public, and it will accomplish no good purpose.

I believe in free pasturage upon the public domain. I believe in the homestead settler, whether it be under irrigation, under natural climatic conditions that need no irrigation, under dry farming, or under whatever conditions the settler chooses to submit himself to, being the final arbiter as to the choice and his election. I would give no man the right either to compel a settler to settle upon a given piece of land or to prevent him

from doing so. I would punish the man who dares to violate the law in any regard in connection with obtaining title to the public domain or to the timber. I would punish in the criminal courts the man who would take advantage of the homestead law for the purpose of accumulating an undue proportion or something beyond that which the law gives him. I would punish the man who would violate the spirit and the letter of the stone and timber act or the desert-land act.

I have no sympathy with those who accumulate vast tracts of the public domain. I do not believe that any man should own a very large portion of that which should be held for the benefit of all the people. I believe in enforcing the law, but I do not believe in enforcing it by excluding that great population on the frontier from the benefits of and the right to use the public domain within the law and within the rights which the law has given them.

So I hope that the appropriation for the expanding of this system will not be included within the pending bill. I do not want to see such an appropriation of money as will enable the Forestry Service to further spread its blight upon that country. I do not want to see this appropriation increased so that they may carry out new plans of conquest, draw to themselves new sources of power, draw to themselves further rights to oppress and harass and defeat the just purposes and intent of the law in giving this bounty and this benefit to the people on the frontier.

Mr. BURKETT obtained the floor.

Mr. PROCTOR. Will the Senator from Nebraska yield to me for a notice?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Vermont?

Mr. BURKETT. Certainly.

Mr. PROCTOR. I do not wish to check a reasonable discussion of this subject, but there are many others to come up on the bill, and I wish merely to state that if the bill is not completed by 6 o'clock it will be my duty to ask for a night session to continue its consideration until it is completed. To-morrow, as Senators are aware, is to be devoted to other matters.

Mr. BURKETT. Mr. President, I wish to say in the beginning to the chairman of the Committee on Agriculture and Forestry that I appreciate very keenly the position he is in with reference to this bill and the anxiety he must have to reach its final passage. I should not but for one reason, which I think will be apparent to every Senator here, take a single moment of the Senate's time. I would not do so if it were not for the fact that the amendment we are now considering to the bill as attached to it and brought in by the committee with some slight modification was originally introduced by me.

A year ago I introduced in the Senate a bill more in detail, but providing for the same ultimate object that this so-called "grazing amendment" to the pending appropriation bill proposes. About thirty days ago I recast somewhat that original bill and introduced it, and I also introduced a shorter bill, which is for practical purposes in identical words the amendment which we are now considering.

Inasmuch as for four or five days the proposition to undertake in some way under the law to handle the grazing lands of our country has been assaulted so vociferously by several distinguished Senators, it has occurred to me that it might not seem inappropriate to all Senators if I should consume a few minutes in trying to voice the ground of my faith in support of the measure which I introduced.

Let me say just a word in the beginning in response to the remarks the Senator from Idaho [Mr. HEYBURN] made in closing, that they preferred not to be interfered with in handling the grazing lands or the timber lands, and also as to the theory which he advanced with reference to the control of these lands. This is a practical question and we must meet it as such. I understand that no State, neither Idaho, nor Nebraska, nor Wisconsin, nor Iowa, nor any other State wants to have any considerable territory within its bounds that is not entirely under the jurisdiction of the State authorities, and is not contributing to the State and county and municipal treasury for the maintenance of government. Yet we know as a practical fact that almost every State has more or less of just such land as that. In my own State we have two or three Indian reservations. They are in the richest portion of the State of Nebraska; and one of the things we have contended with there has been the criticism and the complaint of the people in general in the vicinity of those Indian reservations that those Indian lands can not be taxed for the benefit of the State, the county, and the municipality adjacent to and in which they lie, notwithstanding they are the cause of a great deal of expense and litigation and some crime. But it is a practical fact. Complaint of it as we will, find fault with it as much as we may, those Indian reservations are there and we must take care of them and meet

the question in the best way that we can, and so we must approach this grazing-land problem.

I appreciate, as the Senator from Idaho and Senators from other States have said, that it is not a preferable thing, that it is not one of the things we desire, to have great tracts of land anywhere that are not under State control. And yet those mountains and those trees and those dry and arid lands are there, and the question is a practical one. How we are going to handle them to get the most benefit to the most people is the practical question that confronts the Senate.

In the State of Nebraska there are about 4,000,000 acres of these grazing lands, arid and semiarid, and in the whole United States it is estimated—I think the figures were given here before—that there are about 356,000,000 acres of them to-day scattered in the various States in the western part of the Republic. The question that confronts us is not altogether what Idaho wants or what Nebraska wants or what Montana wants or what any particular State wants, but, standing here as the arbiter for all those Western States, what we can do that will be for the highest welfare and the best use of that public domain to the people of the whole United States. So this grazing bill has been introduced, as I suggested.

Let me say also in passing that this is not a new proposition. It may seem to the Senate that suddenly, without warning, this matter of forest reserves and grazing lands has blown up and exploded itself right here on the Senate floor for the first time. But let me say that it is in the Senate to-day simply because it has been the subject of a mighty warfare that has been waged in the last seven or eight years throughout the Western States. Aye, it has been a warfare that has meant death to individuals, destruction to property and property rights, and the eternal ruin of men and the blasting of men's reputations throughout those Western States. It is here to-day not unexpectedly, but only as the legitimate result of the Government having three hundred and odd million acres of land out there over which it has exercised practically no control whatsoever, and has left it, so to speak, to be grabbed or to be appropriated by men out there who are just like men everywhere else, men who will grab and take that which is lying around loose unprotected and unguarded in any particular.

Let me say that when I came to Congress in 1898 I represented the southeastern seven counties of the State of Nebraska next to the Missouri River. There are not seven counties of better land anywhere in the world. It is just across the river from Iowa and Missouri. There is abundance of rain. The soil is rich and the land is all individually owned. There is not anything of this question pertaining to that district nor to the eastern portion of the State. Yet when we go one hundred miles or so farther west we also go almost half a mile up into the air, and we get into a portion of country where not alone on account of its longitude, but on account of its latitude, there is not enough rainfall to make it the agricultural land that prevails down in eastern Nebraska. It is not so desirable for homesteads; it is not so valuable for agricultural purposes or for anything as the eastern portion of the State; and there it has remained, a great public domain unasked for and uncalled for and unprotected from the onslaughts of the public as they might want to use it.

To show the Senate that this question has been before Congress and has been appreciated by the representatives from the western portion of the country for a long time let me call attention to this fact: During the last seven years I find that more than twenty bills have been introduced by representatives of Western States in Congress in some way or other trying to adjust and to get a method for handling the western grazing lands. I have in my hands fifteen different bills introduced by the representatives of eight different States of the Union trying to adjust the grazing-land proposition of the United States. One was introduced by a Representative from Texas, another was introduced by a Representative from Kansas, another was introduced by a former Senator from Nebraska, another was introduced by a Representative from Iowa, another was introduced by a Representative from one of the Dakotas, another was introduced by a Representative from California, another by another Representative from Nebraska, another by another Representative from Texas, another by another Representative from Iowa, in short representatives from eight different States; and I have been able to collect here fifteen bills that the representatives from those eight different States have introduced in Congress within the last six years to try to adjust the handling and the disposition of the grazing lands.

Mr. DUBOIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. BURKETT. Certainly.

Mr. DUBOIS. The Senator from Nebraska refers to bills introduced by Representatives who did not come from States where the grazing lands are located. I think he will admit that they did not come from the Representatives of the States containing the great majority of acres of the grazing lands. I simply interject that to show that no such effort has come from those where the grazing lands lie.

Mr. BURKETT. That is a very legitimate interjection, but let me make a suggestion to the Senator from Idaho. I will get to that in just a minute with reference to my own State. I do not know that I blame a Senator from Idaho or a Representative from Idaho or any of these States for not introducing a bill here, and yet there is not anyone from any of those States who does not know that the present method of handling the grazing lands in every single one of those States is not satisfactory. In Idaho, in Montana, in Colorado, in Wyoming, in every one of those States there are almost as many different notions as to how you should handle them as there are big cattlemen and little cattlemen and sheepmen and homesteaders, and all other classes of people. It is a risky matter for any Representative of a State, divided in opinion as the people of all those grazing-land States are, according to the interests of the people, to undertake to be responsible for any particular kind of legislation; and yet the Senator will agree, just as the Senator's colleague [Mr. HEYBURN] has stated, that the condition of the management of the grazing lands is very unsatisfactory to all the people in the State of Idaho.

Mr. DUBOIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield further to the Senator from Idaho?

Mr. BURKETT. Certainly; for a question. I want to get through as quickly as I can.

Mr. DUBOIS. I do not want to disturb the Senator at all, and I merely wish to state further that with the exception, I think, of the Senator from Wyoming, the representatives of all those States have been opposed even to the turning of these lands over to the States, and if conditions are unsatisfactory they dread to have the power over these lands placed even in our own States by reason of fear of large ownership chiefly, and for other reasons, which I will not state.

Mr. BURKETT. I do not care to discuss particularly the wants of the sheepman or the wants of the cattleman or the wants of the little stockman or the big stockman or the homesteader, except just to show how men will differ and how they may change their opinions.

I remember six years ago sitting with a committee of which some Senators who are here present were members, to whom I am now looking, when the stockmen, the great cattlemen, the big cattlemen opposed any proposition looking to Government control of those grazing lands which charged them for the use of the land. To-day I think I can show that the great cattlemen are ready, willing, and anxious to have some sort of Government control. Now, why that change in six years? I will tell you. Six years ago those men had practically the entire range fenced up. They did not want any trouble made about the use of the grazing lands then. But in the last six years the Administration has waged an unrelenting war against the fencing of the great public domain; and to-day those cattlemen see exactly why the representatives from all over the West said six years ago, "You had better get yourselves into a condition where you can use those public lands within the law and not as outlaws."

Now, what is the result? Within my own State and within every other State in the West men who are as good as any men under the sun, men whose reputations have hitherto been unsullied, are to-day bowed down under the weight of an indictment, because they have been using these public lands outside of the letter of the law. They are criminals in the face of the law.

Mr. PATTERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. BURKETT. I do.

Mr. PATTERSON. Do I understand the Senator from Nebraska to say that the demand for legislation for the leasing of the grazing lands has grown up among the great cattlemen within the past six years?

Mr. BURKETT. I undertook to say and intended to say that six years ago (I will not be certain whether it was six, or seven, or five—in there somewhere) the cattlemen were opposed to the leasing proposition, and that to-day I thought the cattlemen's organizations were in favor of some sort of Government control, not leasing necessarily, but some control by the Government.

Mr. PATTERSON. I simply want to say, Mr. President, that

so far as the great cattlemen of my State are concerned, there has not been an hour in the last twenty-five years when they were not demanding a law that would lease to them or lease to cattlemen generally the public domain, demanding the right to put up fences in order that they might have the exclusive control over certain territorial areas that such a law would give them; and those who have been resisting their efforts have been the ranchmen, the men who combined farming with a little stock raising, as well as those who are denominated stockmen and those who are getting a start in the stock business and who realize and always realized that they would be driven out of business if such a system as this was inaugurated, as it would be impossible to prevent practically all of the lands within a reasonable space of time from falling under the control of a comparatively few great stock companies.

Mr. BURKETT. Mr. President, I do not think that is a very material point, whatever it may be. However, I made the statement, and of course it is entirely proper for the Senator to contradict it. If I had known that it would have raised any discussion I would not have made it, because I do not think it material in this particular. This amendment is to prevent a few men from getting control of that great domain. They had it a few years ago, and we want to prevent it now if we can. It is not material whether they did or did not want a leasing bill, or whether they changed their mind so far as the few words I am going to say are concerned. I want to say to the Senate I am not going to take long, because I am physically not able, having quite a severe cold, as well as on account of the state of business.

Now, Mr. President, I go on to finish my statement. That being not material, I will say, however, that I presume that the Senator from Colorado is correct in one way. I am very certain that I am correct still in another way. I think the cattlemen of the West did want and have wanted a leasing bill, but they never have wanted a leasing bill with the provisions in it that the present bill has and the bill I introduced in this body a year ago and another one a month ago, protecting absolutely, as it does, and saving unto the homesteader and the small cattleman the first right to use the public domain.

I think they would have been satisfied with some sort of a bill which would have allowed them, under the color of law, to have corralled within their fences these great tracts of western land unhampered and unassailed by the homestead law and the other laws that give individuals the right to go to that country and settle. We had the matter up a few years ago. Let me say that every time I have ever had anything to do with this sort of legislation I have contended and insisted that one of the things that must be in such a bill was, first, a provision to protect the working of the homestead law and to save to the homesteader the first right to the public commons. I appreciate just as much as the Senator from Idaho appreciates and just as much as all the people in every State appreciate that we want settlement; we want men and women; we want people in our States, and we had rather have that land settled up with homesteaders than to have it settled up with cattle grazing in great herds. But if we don't have homesteaders enough to use it all, then we want the rest cared for and used for the best interests of the most people. So it has been always difficult to get up any kind of a law looking to the control of these great tracts of grazing land, simply because the people were so solicitous and so fearful that something was going to be placed on the statute books that would retard immigration to their particular locality and that would in some wise interfere with the settlement and development of that State. They have also been solicitous lest a law should be made in the interest of the great cattle kings of the country.

Now let me say, Mr. President, there is another reason. I noticed yesterday that some Senators introduced certain letters and telegrams from particular localities opposing this sort of legislation, yet I have telegrams and letters from only a short distance away from there indorsing in the most enthusiastic terms just exactly this kind of legislation, and we wonder why. Conditions are different. I have a letter from a western county of my State, a county through which flows the Platte River, a county every acre of which practically is susceptible of irrigation.

They are to-day building a great irrigating ditch; they know they are going to reclaim that land, and they know in that particular county they are going to settle a family on every forty acres of it. They write to me, and they say, "We do not want that sort of legislation; we are going to bring men and women in here, and settle that locality;" and there is not a word in this legislation—not one word—which does not permit a homesteader to settle on every one of those forty acres up in that particular county. This law would in no way interfere with

them. They do not need it, but there are other localities that do need it. So from one county and from another county, from one locality and another locality as the land differs—in one place it is sand hills, in some places it is level valleys, and all that sort of thing—they will object from this view point or that view point; but in this bill, if Senators will take it and read it, they will notice that there is every provision in it throughout the entire amendment to protect the homesteaders. Notice this provision on page 72:

Provided, That all leases or permits to graze issued under this provision shall be subject to the right of homestead or other settlement, location, entry, patent, or any other disposal of public lands under the public-land laws, and any appropriation so made shall operate as a cancellation of said lease or permit as to the land so appropriated.

Notice the next provision:

Provided further, That bona fide homestead settlers or residents shall be permitted to graze free of charge their stock used for necessary domestic purposes on the public lands affected hereby.

I have contended earnestly that the homesteader ought not to have to ask anybody's permission or to pay anybody for the use of the public domain. It is the cattleman, the man who is making that his business, that is contemplated in the provision of this bill.

Now notice the next proviso of the bill. Even if the land is taken by cattlemen this next section provides for taking it away from them as needed by the homestead settler:

And provided also, That preference shall be given to bona fide homesteaders and settlers in the allotment of an equitable proportion of range adjacent to their homes not later than the beginning of the next annual grazing period.

So that if a man goes and locates a homestead any time this year not later than the beginning of next year, the Department has got to reallocate the grazing territory and give that homesteader as much land as he needs adjacent to his homestead.

Every provision in this bill specifically guards the right of the homesteader. The man we most want out on that land is first protected, and he is given the first opportunity to secure the lands.

As I said a moment ago, for six years this warfare has been waged out there. Aye, let me tell you it has been waged since longer ago than that. Senators will recall that there was a time when the great stories that were printed of the western country were stories of the cowboy and the outlaw, and those States grew up in the minds of a lot of people in the East as a wild, western, weird, outlaw country. Why? Because now and then there would come floating back some story, exaggerated usually, of the raids of the cowboys and the fights and the warfare that those cowboys had made on settlers. The cowboys of one great cattle king were continually at war with the cowboys of another cattleman. You have not seen one of those stories in fifteen years—not one of you. Let me tell you why. When the man invented the barbed wire and when they began to make it at 3 or 4 cents a pound, and less than 3 or 4 cents, the barbed-wire fence drove the cowboy out of business on the western plains, and accordingly there has been none of the outlawry out there that we used to hear of. And let me say, as a matter of fact, that they never were as bad as they were pictured and painted. But there is nothing of that kind now.

What did that fencing do? It drove out the cowboy. But let me tell you it went there in the face of the law, because it was unlawful to fence up any of the public domain. It was tolerated for a few years—for a dozen years, perhaps—but about six years ago the Administration said, "We are going to have the law obeyed; the mandate of the law must be fulfilled," and it said to those stockmen, "You must take down your fences out on the public domain." The President was right, of course; the law should be obeyed, and he would be derelict in his duty if he did not enforce all the laws. The fences must come down unless the President's recommendations are enacted into law.

What will be the result? It means less cattle and poorer cattle. I did not intend to go into this sort of a speech, but let me tell you what it means and the effect it has had. Senators present can remember that formerly when they saw a train load of western cattle they saw more horns than they did cattle and that the horns were longer than the body of the animal. Now all that kind of cattle have been driven off the western plains. Do you know why? After the barbed-wire fence came out West they were able to take care of their cattle and grade them up better, to take care of the grass and feed them better, and to-day they have a grade of cattle out there equal to the grade of cattle raised in any State of the Union. But those fences have had to come down. As a result that great tract of almost 400,000,000 acres of land is lying there once more a prey to everybody who wants to grab onto it. Men are going to grab onto it. If somebody would go out here

and scatter dollars in the plaza, you would find a lot of men here in Washington who would try to grab one of those dollars, some of them would try to grab two dollars, and some of them as many as they could. As long as that land lies there open to the grabbing of whoever may be able to get it, there will be grabbers out West who will take it; and there are men who will get it in the grabbing process who ought not to have it. It has been a long, hard effort for the President to get those fences down and to get the land restored once more to the public common; but it will not stay that way long unless this bill or some bill be passed putting somebody in authority over those lands to control their use and appropriation.

When you trust to the grabbing process there are going to be some men out there who will get more of it than they ought to have. Do you know, sir, that one man was punished under the grabbing process for having got his fences around a tract of country extending, as I remember, from the Northwestern Railroad on the north to the Burlington Railroad on the south, and from a town on the east to a place on the west about 55 miles? Under the grabbing process that individual became the absolute monarch, by the wire fence around it, of a part of the public domain 75 miles one way and 55 miles another.

The Senator from Idaho [Mr. HENRY] draws a pathetic picture and holds up his hands in horror for fear that we will create a great giant who will control the public domain of the United States, who will be more powerful than any king or potentate. But let me say that when he is doing it this officer that we create is our giant; he is acting for 80,000,000 people; he is acting under the direction of the law; he is drawing a salary from the United States to control that country; and I would rather have him the dictator over 400,000,000 acres of land than to have another man, working for his own selfish interest, prompted by his own selfish motives, control the land and put a barbed-wire fence around it, as was done in my State, 75 miles one way and 55 miles another way.

Sirs, it is not that somebody is going to control those lands; they are bound to do it. You can not put anything in this world anywhere that somebody will not control it and manage it and run it. The question with me is, am I going to advocate a proposition that will put a man representing the Government of the United States to run that public land and control it, or turn it loose, open to the grabbing, grasping, selfish hands of the men out there? You and I know that in the West, as in the East, it is the man with the most power; it is the man that has got the most money; it is the man who has got the greatest influence who will be able to control the largest portion of the public domain of the United States.

Mr. PATTERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. BURKETT. Certainly, I yield for a question.

Mr. PATTERSON. Mr. President, I want to ask the Senator a question. First, what would be the difference between having a lawless tract 50 miles in one direction and 50 miles in another, and having one under the authority of the law? Then, there is one other question I should like to direct to the attention of the Senator from Nebraska, and that is whether or not, if the Government pursues the policy that it is now ostensibly pursuing, of forcing the great cattle barons to take down their fences, and if one-half of the eighty men in Nebraska who are now under indictment shall be sent to jail for unlawfully inclosing the public lands, does the Senator have any idea that any further efforts will be made in that direction? You can not fence the public lands and conceal it. It is not like stealing goods and then pawning or hiding them. All that has to be done in order to give big and little, rich and poor the same rights upon the public domain is in a dozen or more instances to enforce the law which punishes men for unlawfully fencing the public domain.

Mr. BURKETT. Mr. President, after all, I surmise that the Senator is not advocating a proposition or opposing a proposition simply because it will put us in a position to send somebody, either a citizen of his State or mine, to the penitentiary. The first man whom we convicted out there, let me say to the Senator, was a citizen of Colorado and a constituent of the distinguished Senator who has just spoken. But that is neither here nor there.

Mr. PATTERSON. Just one moment, Mr. President. The only reason for that, if he was a citizen of Colorado—and I accept the Senator's word upon that proposition—was because the cattlemen in my State, as a rule, frown down on the inclosing of the public domain, although the law has been violated in some few instances, while the reverse seems to have been the general rule with the cattlemen in Nebraska. Of course they desired to go where they would be received with open arms and

where they naturally supposed they would take the immunity bath.

Mr. BURKETT. I will say to the Senator from Colorado that he is not right in either proposition he has made. His constituent came over to Nebraska because he could get better lands there than he could in Colorado. If the Senator wants me to be plain about it and tell him in public why the man came to Nebraska, I will reply to him, by giving a quotation from the chief justice of his own supreme court, to the effect that there were places in Colorado where they did not fence lands for the purpose of keeping anything in, but they fenced it to keep cows out, to keep them from starving to death. [Laughter.]

Mr. PATTERSON. The Senator is mistaken in the State. That was up in the State of Vermont, and it is too great a jump for the Senator to take from the far East to the Middle West.

Mr. BURKETT. I quote it from Judge Elliott, of your own State supreme court, and I supposed it happened in Colorado.

But we are not advocating a proposition or opposing one, as I was about to say, either to send people to the penitentiary or to keep from sending them to the penitentiary. The facts are that the people of the West are going to use the public domain, and every man that is here, or anywhere else in the United States, ought to want the people to use the public domain to get homes out of it. That is proper; that is economical. We want them to do the best they can with it, and raise the most cattle they can, and to raise them the cheapest they can, because that is for the welfare of all of us who have to live down here in the East a while and buy beefsteak.

So we are not contending here for a proposition whether one man will be convicted and another turned loose. We are trying to pass through Congress a law that will permit those men legally to use the public domain in the most economical way and get the best results from it to the welfare and happiness of all the people of America. They may get a few of the people of Nebraska and Colorado into the penitentiary, but that does not adjust the more important question that we ought as a Congress, the guardian of those public lands, to institute some sort of legislation whereby the people can use those lands to the welfare of all the people of America.

As I was saying, this matter has gone on for years and years. Bills have been introduced. That it is important is indicated by the fact that every irrigation congress, every trans-Mississippi congress, every cattlemen's convention, every sheepmen's convention, every meeting of any considerable number of people in the Western States, have considered as one of the most important questions the proposition of how to handle these grazing lands.

The question came up when the original leasing bill was introduced. Go back six years and you will find it was a straight leasing bill at so much per acre. There were many difficulties in the way of that. One acre is not worth as much as another and could not be leased for as much. So there are inequalities in the system of leasing at so much an acre. In some places it takes 30 acres to feed one animal through a year and in other places it only takes 3. There were so many different conditions that you could not draw a specific piece of legislation and make it fit all over that great public domain. So, as the result of the six or eight years of consideration of this question, it has finally been determined that if you do legislate, you have got to put it into somebody's hands to exercise a discretion, to regulate one community as that community ought to be handled and to handle another community as that particular community ought to be handled, and only placing in the law the more salient and important matters. So this bill was drawn, as I say, with the view of putting into the hands of somebody authority to go out there and control that western land.

Let me say when men were permitted to fence the public domain, or when they were permitted to herd their great droves of thousands and tens of thousands of cattle without any control, there was no chance for the small cattleman. There was little chance there for the homesteader who went out and settled on a piece of land in the midst of that prairie. A great roving herd of 25,000 cattle could sweep him down and eat him up as would a herd of locusts or grasshoppers. That was the condition before the fences came. The fences did not improve the condition much—in fact they were worse in some localities. The homesteader then was likely to be inside the fence and nobody to protect his interests. Those fences were there against the law. The builders of the fences were outlaws, so to speak. There was nobody out there to protect either them or the homesteader, and they could drive Mr. Homesteader out, and of course he did not find it practical or congenial to settle within one of those great pastures.

What is the object of this bill? It is the object to put some

man with the authority of Uncle Sam, strong and as powerful as Uncle Sam's Army—and Navy, too, if he could get it out there in that country—to go out there as a great national arbiter to stand between the big man and the little, between the cowman and the sheepman, between the cattleman and the homesteader, and to say what is right between man and man, and to see that individual rights are recognized. That is what the people of those communities want and ought to have.

I am not quarreling whether it shall be the Forester or not. I am not quarreling whether it will be Mr. Pinchot or not, but let me tell you why I did put the control in the Department of Agriculture. Six years ago they made 90,000 acres in Nebraska into a forest reserve. They are growing pine trees on it. Two years ago I visited that little forest reserve of 90,000 acres. It was right in the midst of the row at the time when they were convicting somebody for illegally fencing part of the public domain within 20 miles of where I then stood. That forest reserve of 90,000 acres was being handled as smoothly and as expeditiously and as judiciously, I may say, and so fairly as to meet with the approval of everybody in that community, so far as I could find out. I asked the man there in charge of the forest reserve, "How is it that you do it? How can you handle these 90,000 acres, while right over across the way they are having trouble and lawsuits and criminal prosecutions?" He explained to me the procedure, which was that of the Forestry Service of the Agricultural Department, and from that time on I began to wonder why it was not possible to handle the grazing lands of this country just as nicely and as harmoniously as they have handled these 90,000 acres within that timber reserve. The result was that last year I was glad to introduce this bill providing for that.

I am not haggling over the control going to the Agricultural Department. I think that the Secretary of Agriculture and his assistants will always be more solicitous than the employees of any other Department about the development of agriculture and of the homestead settlement of the lands of that country. The men under the direction of the Secretary of Agriculture, in my judgment, will be always a little more solicitous for the homesteading and settlement of the public domain than the men in any other Department. So, in my judgment, it is better to have the handling of these grazing lands under some bureau of the Agricultural Department than to handle them through any other Department of the Government. But let us go a step further in the development of this subject. After all these years of discussion and after all the abuses that have grown up under "no administration" of those lands, it is apparent to everyone that something should be done. There have been all sorts of meetings held to formulate plans and, as I have shown, there have been all sorts of bills introduced into Congress. In short, there has been plenty of fault-finding, plenty of talking, but no results. The importance of the question and the necessity that something must be done has impressed the present distinguished occupant of the White House until it has called from him two recent communications to Congress. In his message of last December he called attention to the facts and the conditions and recommended that a bill be enacted which would provide for Government control of the public range through the Department of Agriculture. I will not read it all, but will ask permission to incorporate it as part of my remarks.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The matter read and referred to is as follows:

GOVERNMENT CONTROL OF GRAZING.

The control of grazing in the national forests is an assured success. The condition of the range is improving rapidly, water is being developed, much feed formerly wasted is now saved and used, range controversies are settled, opposition to the grazing fee is practically at an end, and the stockmen are earnestly supporting the Forest Service and cooperating with it effectively for the improvement of the range.

The situation on the open Government range is strikingly different. Its carrying capacity has probably been reduced one-half by overgrazing and is still falling. Range controversies in many places are active and bitter, and life and property are often in danger. The interests both of the live-stock industry and of the Government are needlessly impaired. The present situation is indefensible from any point of view, and it should be ended.

I recommend that a bill be enacted which will provide for Government control of the public range through the Department of Agriculture, which alone is equipped for that work. Such a bill should insure to each locality rules for grazing specially adapted to its needs and should authorize the collection of a reasonable grazing fee. Above all, the rights of the settler and home maker should be absolutely guaranteed.

Much of the public land can only be used to advantage for grazing when fenced. Much fencing has been done for that reason, and also to prevent other stock owners from using land to which they have an equal right under the law. Reasonable fencing, which promotes the use of the range and yet interferes neither with settlement nor with other range rights, would be thoroughly desirable if it were legal. Yet the law forbids it, and the law must and will be enforced. I will see to it

that the illegal fences are removed unless Congress at the present session takes steps to legalize proper fencing by Government control of the range.

THE WHITE HOUSE, December 17, 1906.

THEODORE ROOSEVELT.

Mr. BURKETT. And also, Mr. President, I want to read and incorporate a portion of the message which the President sent to us on the 13th of February last upon the same subject. Only ten days ago the President has again called the matter to our attention.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to from the President's message is as follows:

PUBLIC-LAND SITUATION IN THE UNITED STATES.

Let me also again urge that legislation be passed to provide for Government control of the public pasture lands of the West on the same general principles which now apply in the Government control of the forest reserves. The local control of the range should be in the hands of western men familiar with stock raising, and there should be full local participation in the management of the range; for cooperation between the stockmen and the Government officers is absolutely essential. The grazing fee should be small and at first almost nominal. There is no need at present that the Government should get a net revenue from grazing on the public range, but only enough to pay for administration and improvement, and it may be wise to provide that any surplus shall go to the States and Territories in which the fees are collected. If a law for the control of the range should, as I request, be enacted, such control would not be taken hurriedly, but gradually, as grazing districts can be organized. The one prime essential in the policy of range control must be to protect the homesteader in his right to create a home for his family. The right of the homesteader, of the home maker, of the actual settler on the land, must always be paramount, and he must have whatever range privileges are necessary to his purpose. At present it is unlawful to fence the public domain. All fences unlawfully maintained will have to be taken down. Unless Congress takes action to legalize reasonable and necessary fencing through Government control of the range, there will be serious loss to stockmen throughout the West, and this loss will often fall hardest on the small man; for in many cases the stock business can not be conducted without fences. Yet it would be grossly improper to provide for the continuance of all the present illegal fencing; for while much of this fencing is needed, much of it also represents a fraud upon the public. What is needed is not to provide for the continuance of all fencing, whether beneficial or harmful, but a proper discrimination between the two classes, a discrimination to be exercised always with especial care for the interests of the homesteader and the small stockman. The interests of the man who has actually made his home or is actually seeking to make his home on the land, whether he owns cattle or owns sheep, are really identical with those of the homesteader. The opposition to the measure comes primarily from those who do not make their homes on the land, but who own wandering bands of sheep that are driven hither and thither to eat out the land and render it worthless for the real home maker; and also from the men who have already obtained control of great areas of the public land largely through the ownership or leasing of water at what might be called the "strategic points" of the range, and who object to the proposed law for the very reason that it is in the interest of the actual homesteader and the small stockman, and because it will break the control that these few big men now have over the lands which they do not actually own. The proposed law is emphatically a law in the interest of popular rights. The present system in an immense number of cases renders it impossible for the small man to exist, and it works chiefly for the benefit of the very rich man, whose interest it is to keep out home makers and preserve immense stretches of the public domain for his own use, to the detriment of the development of the Commonwealth. Surely it is in accordance with the spirit of our Government to pass a law in the interest of the actual settler, instead of to leave undisturbed the present system in the interest of those who monopolize an improper proportion of the public domain, or of the others who are indifferent as to whether in the long run they destroy the worth of the public domain.

Mr. BURKETT. So, as I say, the matter has reached the President. The President, acting in conjunction with live-stock associations and agricultural associations, some time ago appointed a commission to consider this entire subject and to report and recommend proper legislation. I have here, Mr. President, the report of the commission that was sent to the President of the United States only a few days ago, and I ask that the Secretary may read that report of the commission, composed of representatives of these various organizations, together with three men appointed by the President himself, to take up this whole matter and make some recommendation to him as to the sort of legislation which should be had.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

To the PRESIDENT:

We, your special committee appointed to meet and confer with the Public Lands Commission regarding the questions relating to the most equitable and effective method of controlling, protecting, and improving the public range, beg leave to report that in accordance with your request we have met with the Public Lands Commission and also have appeared before the Senate Committees of Agriculture and Public Lands.

That as a result of the deliberations and discussions we have unanimously approved and do support the attached measure, which will be reported by said Senate committee to the United States Senate for its action.

We believe, without a dissenting voice, that the passage by Congress of this measure will be of the greatest possible benefit to the live-stock interests, the bona fide homesteaders and settlers, and the entire country covered by the public lands of the United States.

We desire to thank you most sincerely, on behalf of the live-stock raising industry, which we represent, for your unwavering loyalty to us and our needs, and can assure you that in you the stockmen of the West feel they have a friend who is a friend indeed.

We thank you heartily for the honor you have conferred upon us by the appointment on this committee, and desire to say that we will do our utmost to secure the passage of this measure in Congress, as well as to aid and assist in the carrying out of its provisions in the event of its becoming a law.

F. E. Warren; H. A. Jastro, Bakersfield, Cal.; Martin Garn, Sugar, Idaho; Dan P. Smithe, Pendleton, Oreg.; Wm. C. Barnes, Las Vegas, N. Mex.; F. M. Stewart, South Dakota.

Mr. BURKETT. Now, Mr. President, I have had that read so that the Senate may know and the country may understand the situation. I may say that those men, as I understand, represent all the conflicting interests among the stockmen in the United States. They represent, as I understand, the homesteader and the cattlemen and the sheepmen. I have only the pleasure of knowing one of them. I never met but one of them, so far as I know, and his name, of course, is familiar to every man on this floor; but after giving the matter full discussion they have indorsed, in general, the proposition that is embodied in this amendment and that is now a part of the agricultural appropriation bill, the original of which I have heretofore introduced into the Senate.

I am not contending that this proposition is entirely perfect or that it will suit everybody. No legislation on this subject or any other subject will suit everybody or every interest. But I have introduced it with the belief that it is the best remedy for the existing evils and that it will suit more people than any legislation that has so far been proposed. Let me also state to the Senate that when I introduced this bill in the Senate I took occasion to write a letter to every newspaper man in the State of Nebraska—over 500 of them, Democrats and Republicans, big papers and little papers—to every newspaper man in my State I wrote a letter, and I inclosed him a copy of this bill, and I asked him to read the bill and then to give me his ideas upon it. I also added that I did not want to have any part in this character of legislation unless I believed it was right and would work for the interest of the country. I have received a good many replies.

I am not going to have them all read, but I received hundreds of replies from newspaper men and others who have read the bill, and some of the papers published the bill in full, and many people read it in that way, and in about seven-eighths—yes, nine-tenths—of the letters that I have received the writers indorse most enthusiastically this plan of handling the grazing lands of the West. Of the other eighth or tenth there is a portion that evidently, from their letters, had not read the bill when they wrote condemning the bill, because in their references to it they had not touched the bill from end to end or any of its provisions. So, I may say, that of all the newspaper men that have answered me only a very small proportion, indeed, have done other than speak of the bill in the most complimentary and satisfactory way.

Mr. President, I want to have read to the Senate a short letter from the president of the Nebraska Stock Growers' Association, who, by the way, is the State auditor of Nebraska and also secretary of the National Stock Growers' Association. His association considered the proposition. I ask the Secretary to read his letter.

The VICE-PRESIDENT. Without objection, the Secretary will read, as requested.

The Secretary read as follows:

NEBRASKA STOCK GROWERS' ASSOCIATION,
OFFICE OF SECRETARY-TREASURER,
Lincoln, Nebr., January 26, 1907.

Hon. E. J. BURKETT,
Washington, D. C.

DEAR SIR: I have just returned from the annual meeting of the American National Live Stock Association at Denver. The association passed a resolution without a dissenting vote indorsing your bill; while your special bill was not mentioned, yet every feature in the same was indorsed. There were representatives at the meeting from every State having grazing lands, who made talks favoring your disposition of the public domain. I am instructed by the executive committee of the Nebraska Stock Growers' Association to indorse your bill in every particular. This committee represents the largest association of stockmen in Nebraska. Later on, if you wish to meet any of the committee regarding this bill, advise me and we will be glad to meet with you. Please let me know if there is a possibility of your bill getting through Congress at this session.

Yours, very truly,

E. M. SEARLE, Jr.,
Secretary-Treasurer.

Mr. BURKETT. I desire to have read now a communication signed by a great many citizens of Grand Island, Nebr., and sent to me, with reference to this proposition. I desire to say that I shall introduce a few of these letters and petitions, just as briefly as I can, so as to show to the Senate that while there may have been some letters sent here against this proposition, the great overwhelming sentiment of the people is in favor of

and demands some kind of legislation. I ask the Secretary to read.

The VICE-PRESIDENT. The Secretary will read, in the absence of objection.

The Secretary read as follows:

Hon. E. J. BURKETT,

United States Senate, Washington, D. C.:

The undersigned residents of Nebraska contiguous to the range country, while not directly interested in any part of the range country as owners or occupants of range lands, are familiar with the situation in the range districts, and favor some lease law that will enable stockmen to utilize the range country under such regulations as will prevent overstocking, keep out fires, and at the same time preserve such lands for future homestead settlers should they ever become fit for such use, and thus avoid the conflicts that have kept the country in a turmoil for years.

Dated Grand Island, Nebr., February 15, 1907.

A. O. Abbott, Grand Island, Nebr., attorney; Wm. McLellan, Grand Island, Nebr., stockman; Oscar Reimers, Grand Island, Nebr., stockman; John Hetttrich, Grand Island, Nebr., stockman; L. F. Farnsworth, Grand Island, Nebr., druggist; Geo. D. Hetzel, Grand Island, Nebr., real estate; J. N. Woolstenholm, Grand Island, Nebr., merchant; Sam Hexter, Grand Island, Nebr., merchant; C. H. Willman, Grand Island, Nebr., salesman; Geo. Loan, Jr., Grand Island, Nebr., salesman; A. L. Beegle, Grand Island, Nebr., merchant; A. W. Buchheit, Grand Island, Nebr., druggist; Oscar Roem, Grand Island, Nebr., merchant; R. J. Barr, Grand Island, Nebr., superintendent city schools; W. J. Palmer, Grand Island, Nebr., manager Tyle Co.; S. D. Ross, Grand Island, Nebr., secretary West Grand Island Live Stock Company; C. T. Semtey, Grand Island, Nebr., cashier First National Bank and president West Grand Island Live Stock Company; J. M. Dunkel, Grand Island, Nebr., sheriff; J. W. Wolbont, Grand Island, Nebr., merchant; Max J. Egge, Grand Island, Nebr., jeweler; J. W. Pence, Grand Island, Nebr., stockman; John W. Orick, Grand Island, Nebr., doctor; H. P. Tucker, Grand Island, Nebr., druggist; T. J. Parks, Grand Island, Nebr., stockman; F. C. Dryer, Grand Island, Nebr., stockman; F. C. Kluever, Fort Collins, Colo., stockman; Robert Haldeman, Fort Collins, Colo., stockman; F. Carroll, Grand Island, Nebr., stockman; N. Benson, Grand Island, Nebr., stockman; C. B. Modestit, Grand Island, Nebr., stockman; G. B. Bell, Grand Island, Nebr., banker; E. M. Brass, Grand Island, Nebr., ranchman.

Mr. BURKETT. I now introduce and ask to have read a letter of three lines, signed by some forty citizens of Cherry County, Nebr., right in the midst of the grazing-land district.

The Secretary read as follows:

Hon. E. J. BURKETT,

Washington, D. C.

We the undersigned, representative stockmen, farmers, and citizens of Cherry County, Nebr., do hereby indorse your efforts in securing the passage of your bill to lease the public lands.

R. S. Lee, J. W. King, J. R. Lee, Wm. M. Lee, J. H. Salzmann, O. M. Eneyart, W. C. Montgomery, R. A. Fry, C. H. Fry, J. J. Antes, C. M. Moody, D. H. White, George Hohstatt, W. L. Merz, Glen Long, Clint Long, B. J. McGuire, J. A. Anderson, B. W. Pearson, Chas. Eatinger, Chas. White, James Shanley, Barney McNitt, L. H. Heckman, Julius Heckman.

Mr. BURKETT. I ask to have read a short letter from the general manager of the Journal-Stockman, published in South Omaha, Nebr. The writer is in direct touch with more stockmen and farmers generally than any other one man in the West, I presume, and whose paper is probably in the homes of more people throughout the western country than any other paper of a similar nature.

The Secretary read as follows:

SOUTH OMAHA, NEBR., January 26, 1907.

Hon. E. J. BURKETT,

United States Senate, Washington, D. C.

DEAR SIR: I am sending you to-day under separate cover a marked copy of the Daily Journal-Stockman, containing the full text of the bill which you have introduced creating grazing districts, and editorial comment on the same. Your bill meets with my most unqualified approval, and I trust that you will succeed in making it a law, but I realize as well as you that it is a difficult matter to suit all parties concerned.

Thanking you for having sent me a copy of the bill, I remain, yours truly,

JOURNAL-STOCKMAN COMPANY,

A. C. DAVENPORT,

Secretary-Treasurer and General Manager.

Mr. BURKETT. I wish to have read a short clipping from the Omaha Bee, one of the great papers of the continent. This item reports a meeting of men of all parties, as those familiar with the names of the editors of the great papers there will see, and gives the result of that meeting, which was held in Omaha almost a year ago.

The Secretary read as follows:

[Omaha Bee, February 8, 1906.]

BOOST FOR THE LEASE BILL.—OMAHA COMMERCIAL CLUB PASSES RESOLUTIONS PROPOSED BY CATTLEMEN OF WESTERN NEBRASKA.

A boost was given the movement for a proposed national leasing law Wednesday, when the executive committee of the Commercial Club passed these resolutions favoring leasing or sale of the public domain to the western cattlemen:

"Resolved, That the Commercial Club of Omaha, at a meeting called to consider the serious conditions confronting the cattle interests of the State, indorses the principle of disposing of the unoccupied public lands of northwestern Nebraska, popularly known as the 'sand hills,' by lease or sale, for cattle raising and grazing purposes; be it further

"Resolved, That the need of some measure of this sort is urgent, and early action is most earnestly urged upon our representatives in Congress; be it further

"Resolved, That such a measure, properly framed, will be in the interest not alone of the cattle industry of this State, which is now imperilled, but will bring relief to a large number of settlers in the region affected, in which confusion and uncertainty now prevail; be it further

"Resolved, That it is the sense of this organization that a bill making provision for this emergency will not only greatly benefit the State, but will yield considerable revenue to the Government upon lands otherwise unoccupied and unmarketable."

State Representative Frank Currie and State Senator Reynolds appeared before a special joint session of the public affairs committee and the executive committee. They laid before the members the woes of the western Nebraska cattlemen under the present system and asked that the club take some action showing its sympathy with the cattle raisers. John Steel, A. C. Smith, E. Rosewater, G. M. Hitchcock, William A. Paxton, G. W. Holdrege, and C. F. McGrew spoke on the subject, all of them favoring leasing except Mr. Rosewater, who thought it would be more practical for the Government to sell to the cattlemen land which is only fit for grazing.

A motion to send a representative to Washington to help the cattlemen was not received with favor. The committee was unanimous in its sympathy with Mr. Currie and his associates, and resolutions were drawn favoring leasing or sale of the public domain.

Mr. BURKETT. I wish to say in conjunction with that article that I presume it would satisfy more people in all of those States if the public lands could be sold to individuals and made to be revenue producing instead of being expense burdening, as they are at present. You notice that the late lamented and distinguished editor of that paper took that position. But I realize, as practically every man from the West does, and as I believe Mr. Rosewater did, the impossibility of getting through Congress a law to dispose of those lands by sale. I do not know, either, that I am one of those who agree with the proposition that it is best to sell them. In my judgment if they were to be sold, as much of them as there are, they would have to be sold very cheaply; and in my opinion it is better, perhaps, that the Government should hold the title to these 400,000,000 acres for future generations, controlling it in some other way, than to part with the title at present as cheaply as the Government would have to do under present conditions.

I ask to have read a short letter from the editor of the Tribune, at Crawford, Nebr., in the extreme western portion of the State, almost to the Wyoming line and in the midst of the grazing district. The writer has lived there a long time. He knows the country and he knows the conditions. Coming in contact as he does with all classes of people, his word is worth considering.

The Secretary read as follows:

[Crawford Tribune, established in 1887, William H. Ketcham, manager.]
CRAWFORD, NEBR., January 26, 1907.

Hon. E. J. BURKETT,

DEAR SIR: I send you under separate cover a copy of the Tribune with your bill published therein in relation to the grazing lands.

I consider the measure about as near the proper thing as can be arranged to make it satisfactory to the varied interests. I can not see where it can be improved.

Yours, etc.,

WM. H. KETCHAM.

Mr. BURKETT. I now ask to have read a short letter from the editor of the Enterprise, at Curtis, out in the grazing district also.

The Secretary read as follows:

CURTIS, NEBR., January 22, 1907.

Hon. E. J. BURKETT, Washington, D. C.

DEAR SIR: Your letter at hand; also grazing bill before Congress. See nothing in it detrimental; all right. Section is all right leaving the power hereafter at the discretion of President.

Yours, truly,

B. K. SCHAEFFER.

Mr. BURKETT. I ask to have read a short letter from another editor, farther east in the State.

The Secretary read as follows:

RISEING CITY, NEBR., February 18, 1907.

Hon. E. J. BURKETT, United States Senator,

Washington, D. C.

DEAR SIR: This answer in reply to your letter of January 18 may come too late, but permit me to say I heartily agree with your bill "providing for the control of grazing upon the public lands in the arid States and Territories of the United States," and trust it will be enacted into law.

Yours, very truly,

ALB. J. T. KAEMPFER.

Mr. BURKETT. I desire to have read a letter from the editor of the St. Paul Republican, and I do so because he is in about the middle portion of the State and also because he is recognized in the State as one of the very strongest men of the State and the editor of one of the most important papers of the State.

The Secretary read as follows:

ST. PAUL, NEBR., January 28, 1907.

Hon. E. J. BURKETT, Washington, D. C.

DEAR SENATOR: I have your favor of the 18th instant, also a copy of your bill creating grazing districts. While I am just outside of the "cat-

the country," and therefore not as familiar with conditions as others whose opinions you will doubtless receive, I have long recognized the need of a law which would permit the stockmen to graze their herds on the public lands without laying themselves liable to Federal punishment. From a hasty reading of your bill, I am inclined to believe that it covers the ground with a reasonable degree of thoroughness, and that its passage will benefit the cattle interests of this State. I shall watch its progress through Congress with interest.

Very truly, yours,

CLARK PERKINS.

Mr. BURKETT. I am not going to detain the Senate with reading any more letters. I think there may be some more letters which I should like to publish in my speech. They are all short. I ask unanimous consent that when I look over these papers if there are three or four or half a dozen others which I wish to print, I may have the privilege of handing them to the reporters and adding them to the ones I have had read. I have scores of letters from good men and very able newspaper editors—men who have no interest in this more than I have and that only to help in some way to straighten out our unsatisfactory condition of affairs.

Mr. CARTER. It is understood that the letters are all friendly to the Senator's proposition?

Mr. BURKETT. I will say to the Senator from Montana, as I said before, I have twenty or thirty letters from those who do not like the bill, but if he is not entirely satisfied yet, I have a few here from his own State, which are very friendly to the proposition. I may say also to any other Senator from the western portion of the country that I have a few letters from all the States which are very friendly to this bill.

Mr. CARTER. We have a few men who go wrong now and then.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and permission is granted.

The letters referred to are as follows:

Hon. E. J. BURKETT,
Washington, D. C.

CLEARWATER, NEBR., January 21, 1907.

DEAR SIR: Your letter of 16th and a copy of the bill received. It seems to cover the ground fully and will doubtless improve the conditions regarding the United States public lands if passed. I assure you of whatever feeble support the Record may be able to give you in this matter.

Respectfully, yours,

ELMER L. HOWELL,
Editor Record, Clearwater, Nebr.

CROFTON, NEBR., January 30, 1907.

Hon. E. J. BURKETT,
Washington, D. C.

MY DEAR SENATOR: I am in receipt of your recent letter and copy of your bill, S. 7618, which I have read, and I wish to assure you that I appreciate the honor you do by asking for an opinion as to the enactment of such a law.

I am heartily in favor of the enactment of the provisions as set forth in your bill. I think it is time that some measures were taken to regulate the public lands mentioned, and I believe your bill fully covers all the requirements. I am,

Yours, truly,

O. R. ROBINSON.

DORCHESTER, NEBR., January 24, 1907.

Hon. E. J. BURKETT,
Washington, D. C.

DEAR SIR: I received a copy of S. 7618, and I consider it as a bill filling a long-felt want in legislation on this subject.

It is O. K., and I hope you succeed in passing it. Thanking you for calling our attention to the subject,

I am,

J. FRANK LONGANECKER.

BENSON, NEBR., January 31, 1907.

Hon. E. J. BURKETT,
Chairman Committee on Indian Depredations,
Washington, D. C.

DEAR SIR: Your letter of January 16 came duly to hand; also copy of Senate bill 7618, providing for the control of grazing upon the public lands in the arid States and Territories. I have read the bill over carefully, and I personally think that it is just about right. I can see no flaw in it.

Respectfully, yours,

LEW. W. RABER,
Per L. M. S.

GOTHENBURG, NEBR., January 28, 1907.

Hon. ELMER J. BURKETT,
United States Senator, Nebraska.

MY DEAR SIR: I have received Senate file No. 7618, providing for the leasing of the public domain in the arid States and Territories, and after reading same carefully I think that it is a very good bill and covers the essential points necessary to make the law of value in case it passes both Houses. There should be some provisions made whereby the Government should derive a benefit from the vast range now owned by it and pastured or used yearly by others without any revenue whatever to the Government. I do not believe that the Government should be compelled to let this land lie idle when it might receive thousands of dollars for the lease of same. A bill of this kind would put the man who owns his land and grows stock on a better equality to compete with his competitor on the range, providing he has to pay a reasonable sum for his pasture lands, and thus tend to keep up the prices of stock for both. I shall do all I can to popularize it and hope you will be able to make it a law.

Very respectfully,

H. C. BOOKER.

HYANNIS, NEBR., April 4, 1906.

Hon. E. J. BURKETT.

DEAR SIR: I see in to-day's papers extracts from your new lease bill. I believe you have about the right plan, and think it will be satisfactory here, and no doubt in other localities which its provisions affect.

If I can be of any use to you in getting at conditions here, etc., please write me.

Very respectfully and truly,

L. B. UNKEFER.

HYANNIS, NEBR., April 5, 1906.

Hon. E. J. BURKETT,
Washington, D. C.

MY DEAR SIR: I just noticed in the State Journal land-leasing bill that you introduced, which I think is all right. I think it would be the best thing to solve the grazing problem, as the cattle interests in the sand hills are in bad shape. Much of the land that is not fit for anything but grazing can not be used without fence. Fences are being taken down and many stockmen forced out of business, especially the small stockmen that can not afford to run small bunches on an open range. By giving a man a lease or grazing permit he can fence it and make the best use of it by putting wells where needed, and twice the number of cattle could be produced and the land would be better taken care of and the homesteader not injured in the least, but would be beneficial to them, as there will be more work and a better market for their produce. I think your bill the nearest right to suit everyone concerned than any bill introduced yet. Wishing you the best success with your bill, I am,

Very truly, yours,

E. T. MEYERS.

FIRST NATIONAL BANK,
Alliance, Nebr., April 13, 1906.

Hon. E. J. BURKETT,
Washington, D. C.

DEAR SIR: We are very much pleased to see that you have introduced a bill disposing of the grazing lands in western Nebraska. Our stock association, some months ago, drafted a bill along the lines recommended by the commission appointed by President Roosevelt. This bill was never presented from the fact that Congressman KINKAID had already introduced a bill prepared by Mr. Cornell, of Valentine. We believe the bill introduced by you will meet the approval of practically all the western people.

Personally, myself, I have favored sale of these lands. I believe that the country can not be advanced and the lands protected only by private ownership. However, that seems to be an unpopular view at this particular time, and that a leasing bill would be much better for the people and the General Government until some future time at least.

We hope that you will push the bill and secure its passage. Any action that you think that our stock association should take up, and any matters with our western people, we will be glad to assist you in.

Yours, very truly,

R. M. HAMPTON.

ALLIANCE, NEBR., January 16, 1907.

Hon. E. J. BURKETT,
Washington, D. C.

DEAR SIR: I wish to heartily indorse your bill relative to the change in the handling of the remaining vacant Government land. Would be glad to render any service possible to forward its passage to the end that it may become a law.

Would be glad to have your opinion of what this session of Congress may do with it.

Yours, truly,

W. F. BLACK.

LINCOLN, NEBR., April 10, 1906.

Hon. E. J. BURKETT, Washington, D. C.

DEAR SENATOR: I am just home from an extended trip in the cattle country, and by request of a great many small cattle and ranch men I write you at this time. Everyone interested in the cattle business, especially the small ranchmen, are very much interested in your lease bill, and are very desirous that it shall pass. They claim that if the fences are all taken down, as it now seems they will be, they will be at the mercy of the large cattlemen. They can fence their hay ground and protect that, but they can not afford, where they only have a very small herd, to put a man with their stock. As a consequence their cattle would be scattered and the milk industry, from which source so many of them are at the present time making their living, would be ruined, as it would be impossible to get their cows home each night.

Then their grazing lands would be overrun by the herds of the large dealers. Outside of the homesteaders that have already taken advantage of the Kinkaid Act and picked up what few sections of land there was some hay on, the balance of the land now open is strictly sand hills, and, as you are fully aware, no one could afford to attempt to live on this land, as it means simply starvation, while on the other hand, if a lease law is enacted, they can afford to lease the land at a low rental to run their cattle on. If a lease law is enacted, small men can then afford to go into that country and buy a quarter or half section of hay land and lease adjoining range land and make a good living, and these are the people that we are interested in and in whose interest I am writing this letter.

I have been over this territory so many times and am acquainted with so many of these people, and on this trip especially they have said to me, "Can not you write to our Senator and say to him that we are interested in this measure and hope that he will be able to get this law passed?" I would very much appreciate a copy of this bill. Thanking you for imposing upon your time, I am,

Very truly,

W. C. CROOKS.

WESTFALL, MALHEUR COUNTY, OREG.,
February 4, 1907.

Senator BURKETT, Washington, D. C.

DEAR SIR: I read in the daily Drovers' Journal Stockman a copy of your bill, Senate bill No. 7618, and must congratulate you on getting up this bill for the regulation of the public grazing lands of the arid West. This is the only system, if enacted into a law, that will do justice to all, small individual stockmen as well as large companies. The only system under which small owners of live stock and home-

steads will have a fair show to maintain themselves as against large companies. It is the only way by which our public grazing lands can be used to much better advantage and more profit to the users thereof, and at the same time protect them from entire annihilation, which is going on under the present system of grazing. Not only that, but with proper application of the system set forth in this bill it can be greatly improved, to the great benefit of coming generations. I am unalterably opposed to leasing the public ranges, as, in my opinion, based on fifty years' experience in handling live stock on the western ranges, any lease law, no matter how it be framed, would in a very short time put our whole public domain under the control of big corporations, who would soon find ways and means to exclude individual stock raisers and homesteaders. I have been engaged in the raising of live stock in this county for thirty-seven years. I commenced the business in 1857, when I herded cattle for Gen. Sidney Johnston at Fort Bridger, Wyo., and have followed it ever since with varying success, and I think I know what I am talking about.

Hoping that your bill, gotten up with much ability and a superior knowledge of conditions prevailing on our public ranges, will be promptly passed into a law.

I am, most respectfully, yours,

CHARLES BECKER,
Westfall, Malheur County, Oreg.

IRONSIDE, OREG., February 12, 1907.

Senator BURKETT.

DEAR SIR: I have been requested to write you in regard to Senate bill 7618. All whom I have interviewed on the subject most heartily indorse the bill, and hope it may become a law. I shall endeavor to send you some petitions soon.

I remain, yours, very respectfully,

C. T. LOCEY.

Mr. BURKETT. I will say just a few words in conclusion.

I realize that a point of order can be raised against this legislation, and if so, it must go out. I have not made this speech with the vain hope that I might persuade everybody to desist from raising the point of order, nor with any hope that it might be decided otherwise than to strike it out, because I believe, and I acknowledge it on this occasion, although I did not on another amendment on another occasion—that it is subject to the point of order. But I have felt that I ought, in justice to myself, in view of the fact that it had been so criticised, to show to the Senate that it is not simply a wild and undigested proposition which the Committee on Agriculture has brought before the Senate. The Committee on Agriculture, in my judgment, were justified in bringing it before the Senate. It was not possible to get it before the Senate except as a part of the pending appropriation bill. That committee listened for three days to men who were better posted on this question than I am, more interested than I am, because I have not a foot of land in that section of the country. I have not a single hoof of any sort of live stock in the world except a Shetland pony, and I believe my children claim that. I am not interested, directly or indirectly, nor are any of my relations in any legislation of this kind. But I am interested, like the Senators from Colorado and Wyoming and Idaho and Montana and every other State, Iowa and all the Eastern States, in meeting these questions in a way that seems to us the best, and handling the Government's property in the best manner.

This may not be the best thing. It may not seem best to the Senator who has just interrupted me and whose judgment is better than mine on everything in this world—I will not except anything—because his is a ripper judgment. He has lived more years. He has had more experience. He has met more people. His information is larger. But I felt that since I had introduced the bill I ought in justice to myself, aye, in justice to the great Committee on Agriculture which recommended this section as a portion of the bill, show to the Senate and to the country that there was a demand all over the country for some kind of legislation. And while it is not unanimous on the particular method of handling the lands, I do believe, and I doubt if any man will contradict me here, that the demand is more universal for this method of handling the grazing district than any other method which has been suggested.

Let me say that by next year, if it shall not pass this year, in my judgment the same Senators from those States who have stood here belaboring this proposition as they have, will be back here, urged on and impelled by the overwhelming influence of the constituency they represent and that they want to represent and will represent, and will get behind some kind of legislation which will adjust and determine the handling of this great grazing land section of the United States.

INDIAN APPROPRIATION BILL.

During Mr. BURKETT's speech,

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. BURKETT. Certainly.

Mr. CLAPP. I beg leave to submit a conference report on the Indian appropriation bill, which I ask to have printed and lie on the table.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 12, 15, 17, 39, 47, 54, 55, 62, 63, 87, 88, 112, 113, 114, 115, 116, 124, 125, 126, 127, 171.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 16, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 43, 46, 48, 56, 57, 58, 59, 60, 61, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 90, 91, 93, 94, 95, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 117, 118, 119, 120, 121, 122, 123, 128, 129, 130, 131, 133, 134, 135, 136, 137, 138, 140, 141, 142, 143, 144, 145, 146, 148, 149, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 172, 173, 174, 175, 176, 177, 179, 180, 181, 182, 183, 184, 185, 186, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following: " : *Provided*, That while thus absent from Washington under such detail they shall receive a per diem of three dollars to cover all expenses exclusive of transportation and sleeping-car fares;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 2, after the word "authorized," strike out the words "to proceed and continue;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In line 2, after the word "thousand," strike out "seven" and insert "five;" in line 2, after the word "hundred," strike out "and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 2, after the word "thousand," strike out "two" and insert "five;" in line 2, after the word "hundred," strike out "and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 18, after the word "at," strike out the words "not exceeding;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Line 4, after the word "a," strike out the word "sufficient;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In line 3, after the word "children," strike out the words "at the Whittaker Home, Pryor Creek," and insert "in the;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Transpose the same, inserting on page 26, after line 2; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 8 strike out the word "five" and insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 5, after the word "six," strike out the words "hundred and three" and insert "thousand nine hundred and thirty-four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That William Brown and Levi B. Gritts, on their own behalf and on behalf of all other Cherokee citizens, having like interests in the property allotted under the act of July 1, 1902, entitled "An act to provide for the allotment of lands of the

Cherokee Nation, for the disposition of town sites therein, and for other purposes," and David Muskrat and J. Henry Dick, on their behalf and on behalf of all Cherokee citizens enrolled as such for allotment as of September 1, 1902, be, and they are hereby, authorized and empowered to institute their suits in the Court of Claims to determine the validity of any acts of Congress passed since the said act of July 1, 1902, in so far as said acts, or any of them, attempt to increase or extend the restrictions upon alienation, incumbrance, or the right to lease the allotments of lands of Cherokee citizens, or to increase the number of persons entitled to share in the final distribution of lands and funds of the Cherokees beyond those enrolled for allotment as of September 1, 1902, and provided for in the said act of July 1, 1902."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Strike out all of said amendment and insert: "And jurisdiction is hereby conferred upon the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States, to hear, determine, and adjudicate each of said suits;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"The suits brought hereunder shall be brought on or before September 1, 1907, against the United States as a party defendant, and for the speedy disposition of the questions involved preference shall be given to the same by said courts and by the Attorney-General, who is hereby charged with the defense of said suits."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"Upon the rendition of final judgment by the Court of Claims or the Supreme Court of the United States, denying the validity of any portion of the said acts, authorized to be brought into question, in either or both of said cases, the Court of Claims shall determine the amount to be paid the attorneys employed by the above-named parties in the prosecution thereof for services and expenses, and shall render judgment therefor, which shall be paid out of the funds in the United States Treasury belonging to the beneficiaries under the said act of July 1, 1902."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: Strike out all of lines 8 and 9 and insert: "in addition to the fees and charges now authorized by law, to pay a pro rata charge for the examination and investigation of the swampy and overflowed character of the land, and for the drainage and reclamation thereof;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In line 2 strike out the word "advance" and insert the word "pay;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In line 60, after the word "granted," strike out "two" and insert "three;" in line 60, after the word "and," strike out "eighty" and insert "twenty;" in line 60, after the word "each," strike out "to" and insert "for;" in line 61, after the word "Creek," insert "to the Bureau of Catholic Indian Missions;" in line 61, after the word "and," insert "also to;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In line 2, after the word "authorized" strike out "with the consent of the Indians to be obtained in such manner as he may deem best;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In line 5, strike out the word "of" and insert "to;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: Strike out of said amendment the first five words thereof, "including Alaskan natives and Esquimaux;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with

an amendment as follows: Strike out all of said amendment and insert:

"For buildings and repairs of buildings at agencies and for water supply at agencies, \$10,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In line 2, after the word "authorized," strike out "with the consent of the Indians of the respective reservations, to be obtained in such manner as he may deem best;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows:

In line 1, after the word "In," insert "part."

In line 1, after the word "payment," strike out "of" and insert "to."

In line 7, after the word "being," insert "a part of."

In line 12, after the word "ninety-one," strike out "one million five" and insert "three."

In line 13, after the word "dollars," insert "Said sum of three hundred thousand dollars to be paid to or expended for the benefit of said Indians under the direction of the Secretary of the Interior."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In line 2, after the word "authorized," strike out "with the consent of the Indians of the Shoshone Reservation, Wyoming, to be obtained in such manner as he may deem best;" and the Senate agree to the same.

MOSES E. CLAPP,

P. J. McCUMBER,

FRED T. DUBOIS,

Managers on the part of the Senate.

J. S. SHERMAN,

JOHN F. LACEY,

JOHN H. STEPHENS,

Managers on the part of the House.

Mr. CULBERSON. I suggest to the Senator in charge of the report not to insist upon its adoption now. It is impossible for the Senate to understand it. There is really no opportunity for the Senator to explain it. Unless there is some urgency about it, I suggest that it be printed and go over.

Mr. CLAPP. I will say that when I offered the report I did not intend to interrupt the Senator from Nebraska by asking for its consideration, but simply that it might be printed in the RECORD; and I have no objection to its going over.

Mr. CULBERSON. The Senator from Minnesota, I understood, suggested that it be printed and lie on the table.

The VICE-PRESIDENT. It will be printed and lie on the table.

INDIAN TRIBAL FUNDS.

Mr. CLAPP. I submit another conference report. As with the other, I suggest that it be printed in the RECORD and go over.

The Secretary proceeded to read the report.

Mr. BEVERIDGE. I understand the request to be that the report be printed without being read. I do not think it entirely fair to the Senator from Nebraska to be interrupted further in this way.

The VICE-PRESIDENT. It is a privileged report. Does the Senator from Minnesota desire to have it printed without being read?

Mr. CLAPP. I did not intend to interrupt the Senator from Nebraska by having the report read. I simply offer it that it may be printed and be before the Senate.

The VICE-PRESIDENT. The report will be printed and go over.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, and 8, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an

amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

"Provided further, That the Secretaries of the Interior and of the Treasury are hereby directed to withhold from such apportionment and allotment a sufficient sum of the said Indian funds as may be necessary or required to pay any existing claims against said Indians that may be pending for settlement by judicial determination in the Court of Claims or in the Executive Departments of the Government at time of such apportionment and allotment."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 2. That the Secretary of the Interior is hereby authorized to pay any Indian who is blind, crippled, decrepit, or helpless from old age, disease, or accident his or her share, or any portion thereof, of the tribal trust funds in the United States Treasury belonging to the tribe of which such Indian is a member, and of any other money which may hereafter be placed in the Treasury for the credit of such tribe and susceptible of division among its members, under such rules, regulations, and conditions as he may prescribe."

And the Senate agree to the same.

MOSES E. CLAPP,
GEO. SUTHERLAND,
W. J. STONE,

Managers on the part of the Senate.

JOHN F. LACEY,
CHARLES H. BURKE,
WM. T. ZENOR,

Managers on the part of the House.

APPEALS IN CRIMINAL PROSECUTIONS.

After the conclusion of Mr. BURKETT's speech,

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 15434) to regulate appeals in criminal prosecutions, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NELSON. I move that the Senate insist upon its amendment and agree to the conference asked for by the House, the Chair to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. NELSON, Mr. KNOX, and Mr. BACON.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills and joint resolution:

H. R. 5971. An act authorizing the extension of T street (formerly W street) NW.;

H. R. 17011. An act granting an increase of pension to Mary E. Brown;

H. R. 21639. An act granting a pension to Nannie E. Hayes;

H. R. 17956. An act granting an increase of pension to John Shinolt;

H. R. 20223. An act granting an increase of pension to William F. Clendening;

H. R. 20718. An act granting an increase of pension to Anne B. Whitcomb;

H. R. 21415. An act granting an increase of pension to Casper W. Tyler;

H. R. 21447. An act granting a pension to William W. Sparks;

H. R. 23800. An act granting an increase of pension to William G. Cummings;

H. R. 23367. An act granting an increase of pension to Asa A. Gardner;

H. R. 23576. An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes; and

H. J. Res. 246. Joint resolution authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15434) to regulate appeals in criminal prosecutions, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JENKINS, Mr. BIRDSALL, and Mr. DE ARMOND, managers at the conference on the part of the House.

The message further returned to the Senate, in compliance

with its request, the bill (S. 6906) to provide for the incorporation of banks within the District of Columbia.

The message also announced that the House had passed the following bills:

S. 7. An act granting an increase of pension to Edwin B. Luffkin;

S. 12. An act granting an increase of pension to Nancy Littlefield;

S. 161. An act granting an increase of pension to Ruth E. Rogers;

S. 177. An act granting an increase of pension to Alvah D. Wilson;

S. 435. An act granting an increase of pension to Luther H. Canfield;

S. 463. An act granting an increase of pension to Justin C. Kennedy;

S. 496. An act granting an increase of pension to Lewis Young;

S. 570. An act granting an increase of pension to John W. Crane;

S. 588. An act granting an increase of pension to Priscilla L. Hamill;

S. 883. An act granting an increase of pension to Thomas A. Willson;

S. 913. An act granting an increase of pension to Charles E. Foster;

S. 990. An act granting an increase of pension to Relf Bledsoe;

S. 1136. An act granting an increase of pension to Warren W. Whipple;

S. 1261. An act granting an increase of pension to Edwin P. Richardson;

S. 1299. An act granting an increase of pension to Ludwig Schultz;

S. 1350. An act granting an increase of pension to Michael Cullen;

S. 1515. An act granting an increase of pension to Elizabeth Strong;

S. 1520. An act granting an increase of pension to Laura M. Freeman;

S. 1526. An act granting an increase of pension to Theodore W. Gates;

S. 1622. An act granting a pension to Jane Agnew;

S. 1896. An act granting a pension to Smith Bledsoe;

S. 1935. An act granting an increase of pension to Charles Church;

S. 1980. An act granting an increase of pension to Mary O. Foster;

S. 2083. An act granting an increase of pension to Asa K. Harbert;

S. 2109. An act granting an increase of pension to Elisha T. Arnold;

S. 2181. An act granting an increase of pension to Mary G. Potter;

S. 2285. An act granting an increase of pension to William W. Herrick;

S. 2315. An act granting an increase of pension to William T. Graffan, alias William Rivers;

S. 2336. An act granting an increase of pension to Annie E. Smith;

S. 2387. An act granting an increase of pension to Harvey Smith;

S. 2394. An act granting an increase of pension to John A. J. Taylor;

S. 2502. An act granting an increase of pension to Stephen M. Fitzwater;

S. 2729. An act granting an increase of pension to Robert J. Henry;

S. 2743. An act granting an increase of pension to Daniel B. Morehead;

S. 2748. An act granting an increase of pension to Joel R. Smith;

S. 2792. An act granting an increase of pension to John W. Ogan;

S. 2954. An act granting an increase of pension to Hannah Welch;

S. 2971. An act granting an increase of pension to Henry O. Bennum;

S. 3197. An act granting an increase of pension to Hiram Focht;

S. 3266. An act granting an increase of pension to William P. McKeever;

S. 3267. An act granting an increase of pension to George C. Velle;

- S. 3268. An act granting an increase of pension to Jacob A. Ward;
 S. 3275. An act granting an increase of pension to Thomas J. Harrison;
 S. 3432. An act granting an increase of pension to Samuel Ellis;
 S. 3434. An act granting an increase of pension to Charles M. Canfield;
 S. 3435. An act granting an increase of pension to Rowland Saunders;
 S. 3446. An act granting an increase of pension to Anna M. Woodbury;
 S. 3495. An act granting a pension to Joseph H. Boucher;
 S. 3527. An act granting an increase of pension to Samuel S. Watson;
 S. 3552. An act granting an increase of pension to Joseph P. Wilcox;
 S. 3563. An act granting an increase of pension to Orin D. Sisco;
 S. 3652. An act granting an increase of pension to Sallie Noble;
 S. 3672. An act granting an increase of pension to Daniel R. Emery;
 S. 3852. An act granting an increase of pension to Levi W. Curtis;
 S. 3929. An act granting an increase of pension to Ellen L. Stoughton;
 S. 3997. An act granting an increase of pension to Jacob Berry;
 S. 3998. An act granting an increase of pension to Thomas Warner;
 S. 4008. An act granting an increase of pension to Charles B. Saunders;
 S. 4028. An act granting an increase of pension to Ann H. Barnes;
 S. 4208. An act granting an increase of pension to Charles V. Nash;
 S. 4461. An act granting an increase of pension to Thomas S. Elsberry;
 S. 4501. An act granting an increase of pension to Horatio S. Brewer;
 S. 4559. An act granting an increase of pension to John A. Wagner;
 S. 4531. An act granting an increase of pension to Levi M. Stephenson;
 S. 4562. An act granting an increase of pension to Henry Stegman;
 S. 4580. An act granting an increase of pension to William Hale;
 S. 4629. An act granting an increase of pension to Mary Jane Miller;
 S. 4693. An act granting an increase of pension to Irvin M. Hill;
 S. 4762. An act granting a pension to Mary A. Brady;
 S. 4865. An act granting an increase of pension to James W. Muncy;
 S. 4873. An act granting an increase of pension to D. Laning Ross;
 S. 4875. An act granting an increase of pension to Nathan S. Wood;
 S. 4890. An act granting an increase of pension to Lorin N. Hawkins;
 S. 4936. An act granting an increase of pension to Jacob Grell;
 S. 4958. An act granting an increase of pension to William W. Duffield;
 S. 5125. An act granting an increase of pension to Nancy A. E. Hoffman;
 S. 5144. An act granting an increase of pension to Morgan H. Weeks;
 S. 5171. An act granting an increase of pension to Jennie H. Marshall;
 S. 5191. An act granting an increase of pension to Robert H. White;
 S. 5261. An act granting an increase of pension to Stephen A. Barker;
 S. 5361. An act granting an increase of pension to John H. Peters;
 S. 5380. An act granting an increase of pension to Richard Jones;
 S. 5383. An act granting an increase of pension to Greenberry B. Patterson;
 S. 5400. An act granting an increase of pension to John A. Chase;
 S. 5420. An act granting an increase of pension to Thomas W. Gilpatrick;
 S. 5423. An act granting an increase of pension to William M. Tinsley;
 S. 5456. An act granting an increase of pension to Marcellus Cash;
 S. 5457. An act granting an increase of pension to Albert Teets;
 S. 5558. An act granting an increase of pension to George Payne;
 S. 5578. An act granting an increase of pension to Sheffield L. Sherman, jr.;
 S. 5621. An act granting an increase of pension to Frederick Buehrle;
 S. 5623. An act granting an increase of pension to Nicholas M. Hawkins;
 S. 5681. An act granting an increase of pension to William Grant;
 S. 5692. An act granting an increase of pension to Margaret E. Craig;
 S. 5718. An act granting an increase of pension to William D. Hoff;
 S. 5724. An act granting an increase of pension to George C. Saul;
 S. 5730. An act granting an increase of pension to William O. Spelman;
 S. 5752. An act granting an increase of pension to Ruth M. Hoag;
 S. 5756. An act granting an increase of pension to Charles A. Bell;
 S. 5782. An act granting an increase of pension to Octave L. F. E. Fariola;
 S. 5813. An act granting an increase of pension to Marshall T. Kennan;
 S. 5884. An act granting an increase of pension to Cyrus Palmer;
 S. 5940. An act granting an increase of pension to Henry Bittleston;
 S. 5970. An act granting an increase of pension to Julia A. Horton;
 S. 5981. An act granting an increase of pension to John H. La Vaque;
 S. 5992. An act granting an increase of pension to Franklin Craig;
 S. 6044. An act granting an increase of pension to John H. Arnold;
 S. 6076. An act granting an increase of pension to John McKnight;
 S. 6078. An act granting an increase of pension to Elijah B. Hudson;
 S. 6093. An act granting a pension to Hester A. Collier;
 S. 6103. An act granting an increase of pension to William P. Visgar;
 S. 6127. An act granting an increase of pension to John R. Callender;
 S. 6140. An act granting an increase of pension to Julia A. Birge;
 S. 6177. An act granting an increase of pension to Louisa Anne Morton;
 S. 6245. An act granting an increase of pension to Susan Mahany;
 S. 6281. An act granting an increase of pension to Joseph C. Bowker;
 S. 6319. An act granting an increase of pension to Angus Fraser;
 S. 6380. An act granting an increase of pension to Josiah B. Kinsman;
 S. 6467. An act granting an increase of pension to John M. Smith;
 S. 6475. An act granting an increase of pension to Harvey Key;
 S. 6518. An act granting an increase of pension to William H. Stiles;
 S. 6531. An act granting an increase of pension to Francis A. Dory;
 S. 6567. An act granting an increase of pension to George C. Gibson;
 S. 6570. An act granting an increase of pension to George W. Cole;
 S. 6606. An act granting an increase of pension to Alexander Sholl;
 S. 6609. An act granting an increase of pension to John Shank;
 S. 6610. An act granting an increase of pension to Isaac Johnson;

- S. 6612. An act granting an increase of pension to George H. McClung;
 S. 6616. An act granting an increase of pension to Jacob P. Crooker;
 S. 6634. An act granting an increase of pension to John P. Murray;
 S. 6635. An act granting an increase of pension to John A. Morris;
 S. 6652. An act granting an increase of pension to Hiram H. Lockwood;
 S. 6663. An act granting an increase of pension to Thomas M. Chase;
 S. 6665. An act granting an increase of pension to Samuel B. T. Goodrich;
 S. 6669. An act granting an increase of pension to Timothy B. Lewis;
 S. 6672. An act granting an increase of pension to Hannah Peavey;
 S. 6702. An act granting an increase of pension to Charles E. Du Bois;
 S. 6711. An act granting an increase of pension to Harvey B. F. Keller;
 S. 6713. An act granting an increase of pension to James L. Short;
 S. 6724. An act granting a pension to Mary W. Granniss;
 S. 6726. An act granting an increase of pension to Mary A. Jackson;
 S. 6731. An act granting an increase of pension to Elizabeth H. Rice;
 S. 6734. An act granting an increase of pension to John C. Snell;
 S. 6768. An act granting an increase of pension to John E. Hayes;
 S. 6774. An act granting an increase of pension to James B. Hackett;
 S. 6818. An act granting an increase of pension to John E. Anthony;
 S. 6838. An act granting an increase of pension to Samuel Shepherd;
 S. 6899. An act granting an increase of pension to George H. Nye;
 S. 6909. An act granting an increase of pension to William H. Adams;
 S. 6910. An act granting an increase of pension to George F. Chamberlin;
 S. 6911. An act granting an increase of pension to George A. Boyle;
 S. 6912. An act granting an increase of pension to James G. Harvey;
 S. 6913. An act granting an increase of pension to Samuel C. Murdough;
 S. 6952. An act granting an increase of pension to Martin A. Rubert;
 S. 6954. An act granting an increase of pension to Henry Matter;
 S. 6955. An act granting an increase of pension to Abram W. Vandel;
 S. 6956. An act granting an increase of pension to Eli Ford, alias Jacob Butler;
 S. 6962. An act granting an increase of pension to Franklin Rust;
 S. 6970. An act granting an increase of pension to Alonzo W. Fuller;
 S. 6996. An act granting an increase of pension to John Snyder;
 S. 7004. An act granting an increase of pension to Edward G. Burnet;
 S. 7021. An act granting an increase of pension to Hugh K. McJunkin;
 S. 7038. An act granting an increase of pension to William Curran;
 S. 7039. An act granting an increase of pension to Robert Hamilton;
 S. 7044. An act granting an increase of pension to Sylvester O. Pevear;
 S. 7054. An act granting an increase of pension to Charles H. Clapp;
 S. 7058. An act granting an increase of pension to Gilbert Baillie;
 S. 7061. An act granting an increase of pension to Hugh McNaughton;
 S. 7063. An act granting an increase of pension to William T. Hastings;
 S. 7064. An act granting a pension to Edward T. Blodgett;
 S. 7068. An act granting an increase of pension to Richard B. Hall;
 S. 7078. An act granting a pension to Daniel Schaffner;
 S. 7098. An act granting an increase of pension to Henrietta Teague;
 S. 7129. An act granting a pension to Susan J. Chandler;
 S. 7136. An act granting an increase of pension to Cornelia W. Clay;
 S. 7138. An act granting an increase of pension to George H. Allen;
 S. 7150. An act granting an increase of pension to John Bell;
 S. 7154. An act granting an increase of pension to Samuel A. Miller;
 S. 7168. An act granting an increase of pension to Edward B. Shepherd;
 S. 7171. An act granting an increase of pension to Margaret Holden;
 S. 7194. An act granting an increase of pension to Lawrence Over;
 S. 7196. An act granting an increase of pension to William H. Hubbard;
 S. 7218. An act granting an increase of pension to Samuel D. Thompson;
 S. 7222. An act granting an increase of pension to Sylvester Byrne;
 S. 7223. An act granting an increase of pension to Joseph W. Little;
 S. 7231. An act granting an increase of pension to Oscar F. Richards;
 S. 7237. An act granting an increase of pension to Daniel McConnell;
 S. 7244. An act granting an increase of pension to Bessie Sharp Pettit;
 S. 7268. An act granting an increase of pension to Dewayne W. Suydam;
 S. 7272. An act granting an increase of pension to George W. Cook;
 S. 7283. An act granting an increase of pension to William T. Cooper;
 S. 7305. An act granting an increase of pension to Robert K. Leech;
 S. 7329. An act granting an increase of pension to Nathaniel Lewis Turner;
 S. 7334. An act granting an increase of pension to Joshua T. Jellison;
 S. 7341. An act granting an increase of pension to Menzo S. Bishop;
 S. 7344. An act granting an increase of pension to Clara P. Coleman;
 S. 7355. An act granting an increase of pension to William McHenry Plotner;
 S. 7357. An act granting an increase of pension to Levi S. Bailey;
 S. 7373. An act granting an increase of pension to Jeremiah Thomas;
 S. 7379. An act granting an increase of pension to Mary E. Dougherty;
 S. 7380. An act granting an increase of pension to Andrew J. Harris;
 S. 7394. An act granting an increase of pension to Henrietta C. Cooley;
 S. 7420. An act granting a pension to Eleanor N. Sherman;
 S. 7427. An act granting an increase of pension to George L. Danforth;
 S. 7429. An act granting a pension to Caroline A. Gilmore;
 S. 7430. An act granting a pension to Mary F. Johnson;
 S. 7452. An act granting an increase of pension to Thomas Harrop;
 S. 7470. An act granting an increase of pension to William F. Burnett;
 S. 7473. An act granting an increase of pension to John M. Gilliland;
 S. 7476. An act granting an increase of pension to Oliver S. Boggs;
 S. 7477. An act granting an increase of pension to Patrick Cooney;
 S. 7478. An act granting an increase of pension to William H. Brown;
 S. 7479. An act granting an increase of pension to George L. Corey;
 S. 7480. An act granting an increase of pension to John Bowen;
 S. 7481. An act granting an increase of pension to Alanson W. Edwards;

S. 7482. An act granting an increase of pension to Wilford Herrick;
 S. 7483. An act granting an increase of pension to Marinda D. Beery;
 S. 7485. An act granting an increase of pension to Lester M. P. Griswold;
 S. 7491. An act granting an increase of pension to Anna V. Blaney;
 S. 7493. An act granting an increase of pension to George Arthur Tappan;
 S. 7503. An act granting an increase of pension to George W. Baker;
 S. 7504. An act granting an increase of pension to David Decker;
 S. 7509. An act granting an increase of pension to William T. Bennett;
 S. 7531. An act granting an increase of pension to William F. Letts;
 S. 7532. An act granting an increase of pension to Joseph Kilchli;
 S. 7533. An act granting an increase of pension to Orvil Dodge;
 S. 7553. An act granting an increase of pension to Adolphus P. Clark;
 S. 7555. An act granting an increase of pension to James T. Piggott;
 S. 7567. An act granting an increase of pension to William Booth;
 S. 7570. An act granting an increase of pension to George W. Hapgood;
 S. 7561. An act granting an increase of pension to Charles A. Woodward;
 S. 7572. An act granting an increase of pension to Warren M. Fales;
 S. 7574. An act granting an increase of pension to Emily J. Larkham;
 S. 7598. An act granting an increase of pension to Jesse C. Newell;
 S. 7604. An act granting an increase of pension to John M. Morgan;
 S. 7605. An act granting an increase of pension to Judiah B. Smithson;
 S. 7606. An act granting an increase of pension to Samuel Reeves;
 S. 7609. An act granting an increase of pension to Thomas Strong;
 S. 7610. An act granting an increase of pension to Frederick Kurz;
 S. 7616. An act granting an increase of pension to Ezekiel C. Ford;
 S. 7622. An act granting an increase of pension to George K. Taylor;
 S. 7628. An act granting an increase of pension to John P. Wildman;
 S. 7632. An act granting an increase of pension to Elias W. Garrett;
 S. 7634. An act granting an increase of pension to Charles Shattuck;
 S. 7636. An act granting an increase of pension to Samuel M. Breckenridge;
 S. 7642. An act granting an increase of pension to Oliver H. P. Rhoads;
 S. 7655. An act granting an increase of pension to Francis G. Brown;
 S. 7657. An act granting an increase of pension to Harman Grass;
 S. 7666. An act granting an increase of pension to True Sanborn, jr.;
 S. 7667. An act granting a pension to Henry Lunn;
 S. 7668. An act granting an increase of pension to Henry H. Buzzell;
 S. 7670. An act granting a pension to Sarah E. Lungren;
 S. 7671. An act granting an increase of pension to Charles H. Alden;
 S. 7678. An act granting an increase of pension to Joseph Kennedy;
 S. 7679. An act granting an increase of pension to George M. Shaffer;
 S. 7683. An act granting an increase of pension to William Wakefield;
 S. 7685. An act granting an increase of pension to Albion W. Tebbetts;
 S. 7696. An act granting an increase of pension to Zadok K. Judd;
 S. 7698. An act granting a pension to Fannie S. Grant;

S. 7708. An act granting an increase of pension to Sue A. Brockway;
 S. 7722. An act granting an increase of pension to Henderson Stanley;
 S. 7745. An act granting an increase of pension to Frederick Wood;
 S. 7763. An act granting an increase of pension to Jacob S. Hawkins;
 S. 7764. An act granting an increase of pension to Davis Gilborne;
 S. 7768. An act granting an increase of pension to Alonzo P. Mann;
 S. 7772. An act granting a pension to Ellen Dougherty;
 S. 7782. An act granting an increase of pension to Henry F. Reuter;
 S. 7785. An act granting an increase of pension to Carlo J. Emerson;
 S. 7786. An act granting an increase of pension to Chauncey M. Snow;
 S. 7803. An act granting an increase of pension to William H. Long;
 S. 7818. An act granting an increase of pension to Edward Bird;
 S. 7820. An act granting an increase of pension to Benjamin B. Cravens;
 S. 7822. An act granting an increase of pension to William N. Bronson;
 S. 7825. An act granting an increase of pension to Garret P. Rockwell;
 S. 7830. An act granting an increase of pension to Wilbur A. Stiles;
 S. 7831. An act granting an increase of pension to William H. Grandaw;
 S. 7838. An act granting an increase of pension to Ole Gunderson;
 S. 7841. An act granting an increase of pension to Frank De Noyer;
 S. 7842. An act granting an increase of pension to Evarts C. Stevens;
 S. 7843. An act granting an increase of pension to Isaac Oakman;
 S. 7862. An act granting an increase of pension to Elias Laughner;
 S. 7870. An act granting an increase of pension to Albert Bennington;
 S. 7871. An act granting a pension to Catharine Hayes;
 S. 7872. An act granting an increase of pension to Gilbert H. Keck;
 S. 7877. An act granting an increase of pension to Thomas D. Marsh;
 S. 7878. An act granting an increase of pension to Richard J. Gibbs;
 S. 7880. An act granting an increase of pension to Sarah E. Stockton;
 S. 7890. An act granting an increase of pension to Henry Zacher, alias Charles Stein;
 S. 7895. An act granting an increase of pension to William Wallace;
 S. 7903. An act granting an increase of pension to Catherine De Rosset Meares;
 S. 7907. An act granting an increase of pension to Wilkison B. Ross;
 S. 7915. An act granting an increase of pension to Mary M. Howell;
 S. 7918. An act granting an increase of pension to Royal T. Melvin;
 S. 7923. An act granting an increase of pension to William H. Brady;
 S. 7912. An act granting an increase of pension to Eleanor P. Bigler;
 S. 7930. An act granting an increase of pension to Joseph Hare, jr.;
 S. 7936. An act granting an increase of pension to Liberty W. Foskett;
 S. 7938. An act granting an increase of pension to John W. Messick;
 S. 7947. An act granting an increase of pension to Charles G. Sweet;
 S. 7948. An act granting an increase of pension to Jane Tate;
 S. 7968. An act granting an increase of pension to James Slater;
 S. 7983. An act granting an increase of pension to Samuel Dubois;
 S. 7993. An act granting an increase of pension to George E. Purdy;

S. 7995. An act granting an increase of pension to Ashley White;
 S. 7996. An act granting an increase of pension to Robert B. Lucas;
 S. 8005. An act granting an increase of pension to Garrett F. Cowan;
 S. 8006. An act granting an increase of pension to Epaminondas P. Thurston;
 S. 8015. An act granting an increase of pension to Samuel B. Hunter;
 S. 8017. An act granting an increase of pension to Watson L. Corner;
 S. 8023. An act granting an increase of pension to Harry N. Medbury;
 S. 8024. An act granting a pension to Susan J. Rogers;
 S. 8034. An act granting an increase of pension to Jacob M. F. Roberts;
 S. 8038. An act granting an increase of pension to John F. Ackley;
 S. 8049. An act granting an increase of pension to Daniel C. Swartz;
 S. 8056. An act granting an increase of pension to William H. Fountain;
 S. 8064. An act granting an increase of pension to Carlross Trowbridge;
 S. 8079. An act granting an increase of pension to Joseph Ickstadt;
 S. 8081. An act granting an increase of pension to William H. Cochran;
 S. 8084. An act granting an increase of pension to John Hazen;
 S. 8089. An act granting an increase of pension to Mary E. Jacobs;
 S. 8090. An act granting an increase of pension to Inger A. Steensrud;
 S. 8101. An act granting an increase of pension to Jacob B. Getter;
 S. 8104. An act granting an increase of pension to Henry Shelley;
 S. 8105. An act granting an increase of pension to Anna Arnold;
 S. 8107. An act granting an increase of pension to Leonidas Obenshain;
 S. 8120. An act granting an increase of pension to Benjamin T. Woods;
 S. 8125. An act granting an increase of pension to Mary O. Cherry;
 S. 8144. An act granting an increase of pension to Elizabeth A. Bonner;
 S. 8147. An act granting an increase of pension to Ann E. Macy;
 S. 8153. An act granting an increase of pension to Henry B. Johnson;
 S. 8195. An act granting an increase of pension to Asa E. Swasey;
 S. 8196. An act granting an increase of pension to Michael J. Geary;
 S. 8197. An act granting an increase of pension to Arabella J. Farrell;
 S. 8201. An act granting an increase of pension to Clara A. Keeting;
 S. 8207. An act granting an increase of pension to Peter Wedeman;
 S. 8212. An act granting a pension to Azelia Mittag;
 S. 8214. An act granting a pension to Jeremiah Bowman;
 S. 8215. An act granting an increase of pension to James W. Lendsay;
 S. 8225. An act granting an increase of pension to Elizabeth P. Hargrave;
 S. 8235. An act granting a pension to James H. Huntington;
 S. 8237. An act granting an increase of pension to Lydia Irvine;
 S. 8258. An act granting a pension to Mary B. Yerington;
 S. 8259. An act granting an increase of pension to Henry B. Love;
 S. 8263. An act granting an increase of pension to Martha L. Bohannon;
 S. 8278. An act granting an increase of pension to Calvin Herring;
 S. 8279. An act granting a pension to Edward Dunscomb;
 S. 8302. An act granting a pension to Ella B. Morrow;
 S. 8314. An act granting an increase of pension to James P. Worrell;
 S. 8317. An act granting an increase of pension to Annie C. Stephens;

S. 8340. An act granting an increase of pension to Maria L. Philbrick;
 S. 8345. An act granting an increase of pension to Frank Holderby, alias Frank Giles;
 S. 8347. An act granting an increase of pension to Ervin F. Mann;
 S. 8348. An act granting an increase of pension to Cornelius E. Bliss;
 S. 8349. An act granting a pension to Mary Ellen Van Arminge;
 S. 8378. An act granting an increase of pension to Eli B. Woodard;
 S. 8379. An act granting an increase of pension to Bertha Maria Johnson;
 S. 8390. An act granting an increase of pension to Joseph H. Kinsman;
 S. 8397. An act granting an increase of pension to Martin Peacock;
 S. 8404. An act granting an increase of pension to Nelson W. Jameson;
 S. 8407. An act granting an increase of pension to Reuben C. Webb;
 S. 8422. An act granting an increase of pension to Overton E. Harris;
 S. 8443. An act granting a pension to Fanny M. Grant;
 S. 8456. An act granting an increase of pension to Margaret Baber;
 S. 8469. An act granting an increase of pension to Thomas L. Hewitt;
 S. 8485. An act granting an increase of pension to Ann Hudson;
 S. 8508. An act granting an increase of pension to Miranda W. Howard; and
 S. 8511. An act granting a pension to George L. Dancy.

ARMY AND NAVY UNION OF THE UNITED STATES.

Mr. BULKELEY. I move to reconsider the vote by which the Senate yesterday amended the title of the joint resolution (H. J. Res. 31) legalizing the change of name of the Regular Army and Navy Union of the United States to the Army and Navy Union of the United States of America.

The motion to reconsider was agreed to.

Mr. BULKELEY. I move to amend the title so as to read: "A joint resolution authorizing the wearing of the distinctive badge adopted by the Army and Navy Union upon all occasions of ceremony."

This amendment of the title agrees with the joint resolution as passed.

The amendment of the title was agreed to.

INCORPORATION OF BANKS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask the Chair to lay before the Senate the bill S. 6906, just returned from the House.

The VICE-PRESIDENT laid before the Senate the bill (S. 6906) to provide for the incorporation of banks within the District of Columbia, returned to the Senate in compliance with its request.

Mr. GALLINGER. I move that the votes preceding the passage of the bill and by which it was passed be reconsidered.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the bill be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908.

Mr. SIMMONS. Mr. President, are amendments in order?

The VICE-PRESIDENT. Amendments to committee amendments only.

Mr. SIMMONS. I wish to introduce a general amendment. The VICE-PRESIDENT. The bill is not open to general amendments. Under the agreement committee amendments are to be first considered.

Mr. SIMMONS. I should like to offer the amendment at the present time.

The VICE-PRESIDENT. It is in order to propose it, and it will lie on the table.

Mr. SIMMONS. I think the chairman of the committee will accept the amendment.

Mr. PROCTOR. I feel it my duty, in the interest of the dispatch of business, to ask that the pending amendment be temporarily laid aside and that we proceed with some other amendments which I think can be rapidly disposed of. I hope we shall very soon be able to take up the pending amendment again.

Mr. KEAN. May I ask the Senator from Vermont if it would not be just as well to interpose the point of order now and let the amendment go out, and let us proceed with the consideration of the bill?

Mr. PROCTOR. That is not for me to pass upon.

Mr. CARTER. If the Senator from New Jersey will permit me—

Mr. KEAN. Certainly.

Mr. CARTER. In that behalf permit me to suggest that while the point of order could be interposed by anyone at any time, it would not abridge the discussion of the subject, because Senators desiring to express themselves with reference to the matter will take occasion to address the Senate on other amendments.

Mr. KEAN. I will say to the Senator from Montana that my only object was to try to abridge the discussion, and if that would not do it, I certainly would not insist upon the point of order.

Mr. CARTER. This discussion can not be abridged at the present time.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

Mr. PROCTOR. I ask that the amendment on page 41, line 12, adding \$1,000,000 to the general appropriation for the Bureau of Forestry be taken up. I have myself no desire to discuss it at all. It has been discussed considerably. I think it is admitted by all that there should be some substantial addition, and the Secretary has gone over the matter carefully with me this morning, and says that will leave them less than they would have had if they had retained the right to use the receipts as was provided originally, the receipts now being required to be turned into the Treasury.

Mr. DEPEW. Mr. President, I hope the amendment will be adopted. I will not detain the Senate more than a few minutes in giving my reasons.

I have listened with the utmost interest to the debate, and while it has taken a wide range it nevertheless has been instructive in the elucidation of the question which has been raised by the effort to add this provision to the pending bill. Some three years ago I had occasion to study the forestry policy upon a question then pending in relation to the Appalachian Mountains. Since then to the Appalachian proposition has been added an amendment covering the White Mountains. Here we have the direct reverse of the question which has received so much attention and excited so much opposition from the western Senators. Here is the East, the older States, asking that the Government policy of forest reserves may be applied within their borders, the forests they have left, preserved, and the regions laid waste by ruthless destruction reforested.

The discussion has tended to prove, if it has proved anything, from the standpoint of Senators who have talked so ably and so eloquently, that the whole forest-reserve system as now administered is a great mistake. But, Mr. President, this forest-reserve system is now only about fifteen years old. If I remember rightly, it was begun in its present form only about ten years ago, and it has already accomplished extraordinary results.

One would think, to hear the speeches of Senators, that forestry was an innovation in our country and that it has never been practiced anywhere else. There is no system for the benefit of a country and its people which has been better thought out and more practically demonstrated than this in the older countries of the world. It began in Switzerland a thousand years ago. Five hundred years ago Switzerland had a scientific method of forest reserves. Except for what that Government did so intelligently, Switzerland would be to-day practically depopulated. As you go in the railways through the valleys of Switzerland, the most attractive thing is the scene presented by the Swiss cottages up as high as the eye can see on farms which are upon the almost perpendicular slopes of mountains. They are held there and populations are supported by reason of a systematic and scientific system of forest reserves. Under it you will see at once that all that mountain country is so dotted with forests, large and small, that they catch the snow and hold the rainfall and prevent the mountains from being denuded of their soil and the farms in the valleys from being carried off into the rivers.

It is the same in Germany. As you go through Germany and look out of the car windows or make excursions by automobile through the territory you find the beneficent results of a scientific system of forestry which has been in existence for hundreds of years.

The attack has been specially made here upon the college man and the man educated for this particular purpose who is exploiting our reserves, and it is said the conditions in the West

can only be known by the settler and the hard-headed man upon the soil, who has never given a moment's attention to the study of forestry.

Sir, in Germany they have had for numberless years schools of forestry the same as they have their famous universities for the education of their professional and scientific men, and no man there can enter upon the forest occupation under the Government until he has won his diploma and is certified by the schools of forestry for his occupation.

We have in this country about one-fifth of the forest lands owned by the Government. In Germany 26 per cent of the forest lands are owned by the Government, and not only that, but every individual owner is compelled by rigid government laws and government inspection, under the direction of this criticised body of foresters, to look after his own trees upon his own land.

But we have another lesson from those countries, sir, and that is the reforestation of the land. Italy found that she was losing her soil and productiveness and injuring her people because of conditions which had arisen from the deforesting of the land in the centuries which had gone by, and poor as Italy is to-day—and her taxes are, I think, greater than those of any other country in the world—she is spending \$12,000,000 now to reforest the lands and to bring back those trees and groves which inspired the genius of Horace and of Virgil and the poets whom we studied in our youth in the colleges.

In France they established a scientific system of forestry in the time of Louis XIV. But the destruction of the forests had gone to such an extent that shortly afterwards it was discovered that they must not only preserve the forests that were in existence, but that they must reforest, as far as possible, vast sections of land. Within the last twenty-five years there has been spent in France in reforestation \$18,000,000, and \$24,000,000 has been appropriated for the continuation of the process of foresting under scientific rules all over the country.

This reforestation is costing in Italy \$20 an acre; it is costing in France \$34 an acre, and we are securing now, where the forest still exists, forest reserves without costing anything in taxation upon the people except their preservation by a proper system.

The system of making money out of these forests has been assailed. The forests of Germany yield an income to the Government of from \$1 to \$5 an acre, and the older and more scientific methods in Switzerland yield an income to the Government of \$8 an acre. We have here the report of the Chief Forester that within two years our own forests will be self-sustaining. Why should not the Government derive an income from this system when the purpose of the income is to preserve the sources of the water supply and to preserve for the people of this country what is equally as important, the wood, with all that that means?

Now, take the conditions in the Appalachian regions, which I have had occasion to study. There is the only territory with hard wood upon it which exists in this country in any considerable area. Hard wood is becoming so scarce and at the same time so valuable they are running light railways up into those mountains, and with the indiscriminate manner in which the lumberman cuts his wood they devastate the whole country. The big trees and the little trees all come down, and then when they are cut off the farmer has his opportunity.

We have here in perfection exactly the system which my eloquent friend from Idaho [Mr. HEYBURN] was so admirably advocating a few minutes ago—that the present generation and the present time shall enjoy the benefits of the soil and of the wood. After the lumberman has swept off the forests from the Appalachian Mountains, then comes the farmer. There is under those trees a humus several feet in thickness, the accumulation of centuries, which acts as a sponge. There is a greater rainfall in the Appalachian Mountains than there is in any other part of the country, and that rainfall is held in that sponge and percolates out into the streams and into the rivers for the preservation of agriculture in the valleys of seven rivers and of six States.

What have been the results from practical experience of deforesting that region as far as it has gone? These results I state from study and observation. For the first three years the farmer from this rich soil gathers an abundant harvest, a harvest which enables him probably to pay for his farm. Then with the floods carrying off his farm into the valleys he has three years more in which the grass will grow, and nothing else, where he can graze his stock. Then the rocks are bare, and he has to move on after the lumberman for new farms, until they also have disappeared in the valleys.

But there is another result which has come from the defor-

esting first and then the denuding of the mountain sides. The waters not being held pour down in floods into the valleys and tear great gullies through the valley farms and run them off into the rivers and out toward the ocean.

Four years ago one flood in the Catawba Valley cost that valley a million and three-quarters of dollars, and within the whole area three years ago of those six States there were \$18,000,000 in value of farm lands wiped out of existence by the floods, which came from this inexpert, unwise, and unscientific method of deforesting.

Mr. President, not only are the people of certain States, as has been claimed here, interested in this matter, but the people of all the States, the whole people of the United States are interested. They are interested in keeping the wood so that we shall have a wood supply forever. They are interested in keeping the farms so that the product shall feed our Eastern and Middle States, where we can raise only about one-tenth enough from the farms to feed our population.

In regard to the administration of the forest reserve and the attack which has been made in a good-natured way upon the Forester, and in a way the opposite of good nature upon the Secretary of the Interior, that seems to me to require only a word. If forestry is scientific, it needs a scientific man and an educated man to be at the head of it. If the forestry department is a scientific department, it requires trained men to manage it. It certainly is to the credit of the Chief Forester that out of this chaos he should have brought a system under which he has persuaded succeeding Presidents of the United States, and the different Secretaries of Agriculture while he has been in office, to recommend to Congress, and has persuaded Congress to make the legislation by which we have the forest reserves, by which we have their administration, and by which we have the continuance of the system.

Senators speak about him as if he were an autocrat, acting alone upon his individual judgment. But it must be remembered that the recommendations which come here in regard to forestry come from the Secretary of Agriculture, and in regard to other lands in the forestry division from the Secretary of the Interior, and all of them from the President of the United States, so that before the matter of administration is acted upon it always has the approval of not only the Chief Forester, but also of the men who stand at the head of these great Departments in the Cabinet of the President, and of the President of the United States.

I know the feeling there is against the Secretary of the Interior, and I think that feeling in its geographical division marks the sentiment in the East and in the West in regard to this forestry question. In the East the Secretary of the Interior is regarded as one of the most courageous and high-minded public officials the country has ever had, and west of the Missouri River apparently the sentiment, at least in some of the States, is voiced by the remark of the witty Congressman who said that if the Secretary of the Interior retired, as was expected, on the 4th of March, there would not be a dry throat from the Missouri River to the Pacific Ocean. [Laughter.]

But, Mr. President, it seems to me that we are acting most unwisely in cutting down, as we shall do, unless this amendment is adopted, the appropriations for the continuance of this work. The experiment has gone on for ten years. The experiment has produced wonderful results, which have received the approbation of every man who has studied and become familiar with this question. It has produced results which have placed us in the line of the older countries with their experience in the conservation and preservation for all posterity of this magnificent heritage.

The Forester says that in two years these vast domains will become self-supporting and in five years they will give a large revenue to the Government. He is justified in saying that by the results which have come during the ten years of administration and segregation, and he is justified in saying it from the results of hundreds of years in the older countries where from necessity this system has been practiced and these wise measures have been adopted.

So I say it is both good legislation and wise administration to permit the President, the Secretary of Agriculture, and the Chief Forester to continue and complete this plan, and then see whether the results which they promise and prophesy come about. If they do, then these criticisms are a mistake. If they do not, we have lost nothing in the two years; we have lost nothing in the five years; instead we have preserved for all the people of the United States, instead of giving them up to great combinations of lumbermen, this magnificent heritage of the forests of our country.

In our own State of New York we have felt the unwisdom of our forefathers in grasping for their generation and for im-

mediate profit the woods. As soon as we began to enlarge our canal we found that the water had to be supplied which would give the depth necessary for the navigation which was desired, and then a diligent study showed that we must preserve, as far as possible now, the sources of the water supply. The State entered into a plan of forestry in the Adirondack region based upon that of the General Government, in which they have already spent millions of dollars and will spend millions more. The experience of New York will be the experience of every one of these States if, now while we have the opportunity, the Government is permitted to carry on this system wisely and efficiently.

Mr. BEVERIDGE obtained the floor.

Mr. PROCTOR. I wish merely to state that I believe the amendment before the Senate is the one on page 41, line 12, after the word "expenses," to insert the words "one million." As I said, I have nothing to say upon that amendment. It has been already pretty fully discussed.

The VICE-PRESIDENT. The question is on agreeing to the amendment on page 41.

Mr. BEVERIDGE. Mr. President, the question immediately before the Senate is whether or not the appropriation for the Forest Service, which the other day, perhaps without full information, was reduced, is to be restored. After the very long attack upon the Government's policy, I may be permitted some time to explain and defend it. No debate which has occurred this session has been so useful as this in informing both the Senate and the country on a policy of such high importance.

There are those of us who were deeply interested in this question and yet who were not informed about what this Service meant and about the priceless work for the whole country which it was doing. There have been in the course of this debate some points made, charges made, and various statements made which require some attention; and it is to do this that I rise to address the Senate before we take any vote, if a vote, indeed, shall be necessary upon this amendment.

SIGNIFICANCE OF RESERVE POLICY.

The Senator from Wyoming [Mr. CLARK] the other day began his remarks by asking the question, "What does this great forest-reserve system," which he said included some 200,000 square miles, "mean?" Since then, Mr. President, the question has been pretty fully answered. It means, perhaps, a wiser piece of public policy, so far as the present and future prosperity of this people is concerned, than any one single other piece of public policy affecting our lands. It means, Mr. President, at the bottom the conservation and the distribution of the waters, upon which agriculture depends, and upon which the population of the Senator's State and of other States similarly situated depend for its growth more than upon any one other single element that can be named.

RESERVES THE MAINSTAY OF IRRIGATION.

Mr. President, we are spending now, or arranging to spend, some \$50,000,000 for the irrigation of what was once thought was the "arid West." I remember very well the great fight which was made for the irrigation law. It was finally put through the Senate and the House against the counsel of some of the most conservative members of each body, but I think its wisdom now is universally recognized by men of all parties and men of all sections.

But, Mr. President, you can not irrigate with a word—you have to irrigate with water. You can not irrigate merely by digging a hole in the desert; not enough water is supplied. In the last analysis it must come from rainfall in the mountains. The Senator knows better, no doubt, than I do that unless the forests on those mountains are conserved irrigation is impossible. Because if the forests are felled the rain which falls in equal abundance sweeps down in torrential floods and either takes away the reservoirs or fills them up with silt. So the basis of the whole irrigation system, which means so much to the western country, and therefore to the whole country, rests upon the foundation of the forest-reserve system.

Mr. F. H. Newell, Chief of the Reclamation Service, has repeatedly emphasized the very great importance of forest reserves in connection with the Government's irrigation work. In the second annual report of the Reclamation Service (1902-3) Mr. Newell stated: "One of the most important matters in connection with the permanent development of the water resources of the country is the protection of the catchment basins from destructive influences. It is essential to preserve in such locations a certain amount of forest cover, and to prevent the destruction of these by fire or by overgrazing. The headwaters of many of the important streams are already included within forest reserves, and some of the important reservoir sites are thus guarded from injury. In other localities the

forest reserve boundaries should be extended to include the country from which comes the greatest part of the run-off. This land usually has no value for cultivation, is rugged, and suitable only for the production of trees. Grazing to a limited extent is practicable and will not interfere with the best use of the waters, but if unrestricted the number of cattle and sheep may be increased to such an extent that the grass is destroyed and the bare soil is washed by storms."

Again, at the hearing before the Committee on the Public Lands of the House of Representatives (January 11 to 30, 1901), Mr. Newell explained himself as follows:

"As Mr. Walcott has outlined, the great undertaking of national importance is first to hold the timber-clad mountains of arid country from which the water comes in forest reserves, not keeping the timber from use, but letting it be cut under such restrictions as will enable the matured timber to be taken and keep the forest itself as a perpetual crop. This has already been entered upon by the National Government."

In the course of an address before the Society of American Foresters (March 19, 1903) Mr. Newell said:

"The future of these reclamation projects is dependent largely upon the keeping of the forest areas in good condition. All of these rivers whose waters are to be utilized issue from forests. We are vitally interested in the preservation and proper control of the forest reserves. Much has been written of the theoretical influence of forests upon the rivers, and it is evident that in the planning of these reclamation works it is to their advantage that the forest reserves be extended to take in as far as possible the catchment areas of the streams. This work of the Government is not a tentative experiment, and every condition must be kept as favorable as possible for the future maintenance of these great works."

ALL RESERVES CONSERVE TIMBER OR WATER.

Forest reserves are created for these main objects: To conserve and regulate stream flow, and to maintain a permanent supply of timber. Some forest reserves are valuable for both these purposes; others are valuable mainly for their effect upon stream flow. In southern California, for example, forest reserves have been created in the San Gabriel Mountains, not with the chief purpose of the production of timber, because these mountains are largely covered with brush known as chaparral and have few trees growing upon them. But these southern California reserves serve a most valuable purpose in maintaining the flow of streams rising in them, which supply important cities, such as Los Angeles, and are essential for the development of water power, and, above all, in the conservation of streams used in the irrigation of arid lands. Again, large areas in these reserves are capable of growing trees, although no trees are growing upon them at present. As rapidly as its funds permit, and conditions warrant, the Forest Service is planting up these areas.

To make the boundaries of forest reserves conform exactly to the boundaries of existing forests would be to leave out of these reserves large areas which are of immense value as a protection to the water flow, and which have grown trees and will grow trees again under proper methods. Obviously the boundaries of forest reserves must be drawn not to conform to the boundaries of existing forests, but based on the actual character of the country in its relation to the objects for which reserves are created. Brush and grass covered areas of natural forest land in the mountains, even if they do not now produce trees, ought to be given exactly the same protection as existing forests receive, because they often exercise a not less important effect in conserving and regulating stream flow.

The Forest Service has never recommended the creation of a single reserve the land inclosed in which can not serve its main purpose either by the regulation of stream flow or by the production of timber. No considerable bodies of open range are included in forest reserves. So far as open range is included, it has been included not as range land, but because it is necessary to the protection of stream flow or because it is suitable for forest planting.

RESERVES BASED ON THOROUGH EXAMINATION OF LANDS.

Mr. President, the Senator from Wyoming [Mr. CLARK] said further—and it was a most important charge, one that we should carefully consider, one that the country should know the truth about—that the reserves had been created without knowledge of actual conditions upon the ground. So far from that being accurate (and I am satisfied that neither the Senator nor any other Senator who spoke meant to make an inaccurate statement) perhaps as much as in the case of any other scientific department of the Government the most careful, detailed, painstaking, and scientifically accurate examinations were made.

Mr. CLARK of Wyoming. Will the Senator allow an interruption?

Mr. BEVERIDGE. Certainly.

Mr. CLARK of Wyoming. I ask the Senator if he refers to my statement—the only time I remember to have referred to it—when I spoke of the effort to create the forest reserves under the appropriation made by Congress of \$25,000 when a special committee went out to make an examination?

Mr. BEVERIDGE. I will state to the Senator that I do not know whether that was what he referred to at the time.

Mr. CLARK of Wyoming. I made that statement, and my information was from the chairman of the special committee appointed, after he returned to Washington and the reservations were made.

Mr. BEVERIDGE. I do not know whether the Senator was referring to that or not. That was some time ago—in 1896, to be exact. That was before the Government division of forestry had anything to do with examining land for forest reserves.

Mr. CLARK of Wyoming. That is the only one I remember.

Mr. BEVERIDGE. I am not so particularly referring to the Senator's being accurate as I am to the general impression which was produced by that and similar statements, I frankly say to the Senator, produced upon my own mind and which has not yet been by authority denied—not denied to any extent—because we are not concerned with denying; we are trying to get the truth.

These reserves, I say, are created after the most painstaking, comprehensive, and scientific examination of conditions on the ground. If it were earlier in the day, I should stop here first to read to the Senate the details of the plan upon which information is gathered for determining whether or not a forest reserve shall be made. None of us could have more valuable information upon that subject, which is quite as important as any other subject we now have before us, than the method by which this vast reserved forest system, which is the heart and source of all the water for the great irrigation system, is made.

I hold in my hand, and I shall ask to have entirely inserted in the RECORD in my remarks, the instructions to the field men who make the examinations. I want to read two or three of these instructions—I will not read them all, they are too voluminous—but from the two or three I do read the Senate can see the minute care taken in ascertaining knowledge upon which to make the reserves.

Eight or ten pages are almost entirely devoted to giving painstaking directions to the men who are to make the physical examination of the ground in order to collect the information for the making of these reserves. I shall ask that a portion of this which I have not read be inserted in my remarks.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The matter referred to is as follows:

The following outline must be considered in the examination and used in writing the full report, or it will be returned for correction:

1. Location and area.
2. Description of topography.
3. Climate, showing any difference between the reserve and adjacent agricultural regions. Precipitation, prevailing rain-laden winds, etc.
4. The forest.
 - (a) A map on a scale of 2 miles to the inch, showing the distribution and character of the cover (to be compiled by the drafting division from data furnished by the examiner). The following classes of cover should be distinguished and mapped:
 1. Commercial forest.—Actual saw, stull, or tie timber, irrespective of its accessibility. A merchantable forest.
 2. Timber land.—Land-bearing commercial species, either reproduction under 20 feet high or too scattering to be a merchantable forest. Potential forest land capable of producing merchantable timber.
 3. Woodland.—Juniper, piñon, oak, aspen, etc., without mixture of commercial species. It may be a cord-wood forest.
 4. Cut-over land.—Wherever logging has been carried on, whether stripped or merely culled.
 5. Burns.—Where the cover has been totally destroyed.
 6. Chaparral.
 7. Open grass land.—Parks or open range.
 8. Sagebrush.
 9. Cultivated land.
 10. Cultivable land.
 11. Barren land.—Above timber line, slide rock, cliffs, etc.
 - (b) A brief description of the various silvicultural types of forest cover; reproduction.
 - (c) A rough estimate of the amount of merchantable timber, according to watersheds or logging units; its accessibility, and means of logging that must be used, and prevailing stumpage price. Definite recommendations as to stumpage prices and method of sale to be pursued in the event of creation of the reserve.
5. The forest as a protection cover: Its effect on the regulation of the water flow. Use of water for irrigation and power at present and possible acreage and value of irrigated and irrigable lands dependent on the reserve for water supply. Location of reservoir sites and possibility of ditch applications. Any areas or slopes from which timber should not be sold.
6. Industries: Nature, relative importance, dependence on water and timber in proposed reserve and adjacent affected regions. Extent and value of most important interests.
7. Settlements: Location, size, importance, and industry. Table of alienated lands, showing area in acres of each class and per cent of recommended reserve.
8. Roads, trails, and railroads.

9. Lumbering: Extent of lumbering in the past and at present. Its effect upon the forest. The condition of cut-over lands. Effect which creation of reserve would have upon lumbering. Need for reserve timber. Means of supplying it from elsewhere. Standing and retail prices of different species in the local market.

10. Grazing: To what extent the prosperity of the local residents depends upon live stock, and to what extent is the stock dependent on this range. How many stock now using reserve and how distributed. Where owned. Whether stockmen own ranches or reside in reserve. To what extent as a summer range proposed reserve limits use outside range. Whether it includes lambing grounds. Conflicting interests, such as between sheep and cattle, local and outside stock, etc. Merits of the controversy.

Description of pasture lands, their nature, brush, grass, etc. Extent of open parks and pasture in timber. To what extent grazing has injured the range or forest. Manner of handling. Size of herds.

Areas, if any, from which stock should be excluded. Division of pasture lands. Give plan, number to be allowed, length of season, any special regulation necessary. Practicability of a division of range into individual ranges. Necessity for counting wings, drift fences, dipping vats, windmills, etc. Cost and location.

11. Fire: Damage from fire; usual causes. Threatened points. Season. History of burns. Prevention. Area burned. Outline a definite plan of protection and patrol. Are fire lines feasible?

12. Situation. A brief description of the political and economic situation of the locality (settlements, county, or State) in its bearing on the reserve question. From whom will opposition come and why? Attitude and motives of influential men or corporations. Any illegal settlements or operations. And concessions that the Forest Service should make. Labor prices and cost of living in the surrounding communities.

13. Local sentiment in regard to the creation of a forest reserve: A special effort should be made to obtain all arguments possible both for and against the creation of a reserve.

14. Conclusion and recommendations: A clear recommendation for or against the creation of a reserve.

15. If recommended, boundaries to be shown on maps in red pencil. If not, write "not recommended" in red pencil on the map and on the title page of the report.

16. Administration. Number of men needed to handle current business. Ranks and rates of pay. Length of service. How many men in summer? In winter? Indicate ranger districts on map where ranger should be stationed in each district.

In what town should the officer in charge make his headquarters. What are office, mail, railroad, telegraph, and telephone facilities there. Regions where patrol is most needed. Where sales, free use, trespass, and privilege cases will be numerous. Improvement work, such as cabins, phones, pastures, roads, or trails necessary at once and cost of each. Special regulations desirable, not in present rules. Revision of present rules or practice.

The administrative feature is a very important one, and complete plan of administration for the proposed reserve should be outlined. Names and addresses of men who would make good forest officers.

The importance of photographs can not be overestimated. They should be taken to illustrate particular points in the reports. Also views over considerable areas, showing the general character of the country should be taken.

Mr. BEVERIDGE. Furthermore, I have here, and will exhibit that the Senate may see it, a map of the Shoshone or Coeur d'Alene Reserve in Idaho. The Senate will notice the various colors. This deep green here [indicating] in the southwest portion is the heavily forested portion of this reservation. These brown patches [indicating] throughout that reservation are the burnt-over districts, where millions of dollars, the property of the United States, has been destroyed by forest fires. The lighter portions here [indicating] are the young timber. There are other portions that represent sagebrush.

With reference to this green portion here [indicating], within these lines, heavily wooded, it is nearly all taken up by the State or by settlers. That is the "ruthless" and "infamous" way in which the Government of the United States has destroyed the resources of the State, as Senators have charged.

Here [exhibiting] is another map of the same region which I exhibit in order that the Senate may see the accurate and scientific care taken in ascertaining the facts by the men on the ground. This map shows the lands which are patented. They are these [indicating]. They are the lands which are patented, where people have gone in. These [indicating] are the approved railroad lieu selections—and I am going to have something to say upon that subject, I will say to the Senator from Montana, pretty soon. The unapproved selections are these [indicating]. The approved State selections are in blue, which Senators can see here [indicating]. The school lands are here [indicating]. So I might go on. I am exhibiting this map to the Senate in connection with the other one, to show Senators the extreme care with which not only the work is mapped out, but with which the work is executed.

TIMBER FREE TO SMALL USERS FOR HOME BUILDING AND OTHER NEEDS.

Mr. President, having located a reserve, what occurs? In the first place, it is again carefully mapped, classified, and examined. The Department knows just exactly what kind of timber is in every part of the reserve. What is done with that timber? Two things are done with it. It is given away by the Government to the small users without charge—to the settler, to the homesteader, to those men that we have been led to believe were so badly treated by this "tyrannical" Government—and who with this timber build their homes. Lumber and timber are given free of charge. Not only is the place to build their homes given them, but all the timber they need.

In order to show how fairly and with what careful detail the law providing for the free use of timber and stone is applied, I will quote the regulation in this respect:

"Regulation 10. The free-use privilege may be granted to settlers, farmers, prospectors, or similar persons who may not reasonably be required to purchase, and who have not on their own lands or claims, or on lands controlled by them, a sufficient or practically accessible supply of timber or stone for the purposes named in the law. It may also be granted to school and road districts, churches, or cooperative organizations of settlers desiring to construct roads, ditches, reservoirs, or similar improvements, for mutual or public benefit. Free use of material to be used in any business will be refused, as, for example, to saw-mill proprietors, owners of large establishments or commercial enterprises, and companies or corporations. The free-use privilege will not be given to any trespasser."

To what extent this free-use privilege was actually availed of last year, the following statement shows:

Free-use statement for 1906.

FEBRUARY 6, 1907.

State.	Total value.	Number of permits issued.
Alaska.....		
Arizona.....	\$3,807.79	401
California.....	5,880.53	1,106
Colorado.....	10,432.33	2,196
Idaho.....	10,804.90	2,448
Montana.....	12,089.77	1,414
Nevada.....		
New Mexico.....	2,950.24	781
Oklahoma.....	147.67	7
Oregon.....	8,609.56	890
South Dakota.....	2,545.18	758
Utah.....	8,593.28	3,253
Washington.....	291.89	61
Wyoming.....	2,394.27	260
Total.....	68,547.41	13,575

Approximately, 35,000,000 feet.

TIMBER SOLD SO THAT FOREST IS CONSERVED.

Next certain timber is sold, and to whom? To those who wish it, whether in small or in large quantities; not for their own use, but for commercial purposes. Ought the Government give it to them? Heretofore men have made millions sawing into lumber the timber that belonged to the people of this Nation. Shall we return to that policy?

Now, then, what timber is sold?

I will come in a moment to the question of policy that was raised as to "the Government being a merchant."

Not only is what is known as "down" timber, to which the Senator from Wisconsin [Mr. SPOONER] referred yesterday, sold, but what is called "ripe" timber is sold.

Mr. SPOONER. I said that.

Mr. BEVERIDGE. I did not hear the Senator when he said it. Perhaps I had been called out of the Chamber. Then the Senator did cover that. The truth about it is that these forest reserves are merely great natural wood factories, and unless reserves are so treated, and trees cut that should be cut and when they should be cut the result is bad to the forest itself. It is blown down, it rots, and is itself a source of decay. What shall the Government do? Let it fall and let it rot? It is the Government's property, just as much as the chairs in this Chamber; just as much as the money we seem to be so afraid to appropriate is Government property.

The prime object of the forest reserves is use. While the forest and its dependent interests must be made permanent and safe in preventing overcutting or injuring the young growth, every reasonable effort is made to satisfy legitimate demands. Timber cut from forest reserves may be handled and shipped like any other timber, except that it is not sold for shipment in regions where local construction requires the entire supply, or is certain to do so in the future. Anyone may purchase timber except trespassers. Forest rangers are authorized to sell timber in amounts not exceeding \$20 in value; forest supervisors not more than \$100 worth, and the Forester larger sales.

We talk about "economy." Economy of what? Of the Government's resources, and those resources consist in cash, in land, in trees, in ships, in anything else that the Government owns. So, if we are conserving these trees, and derive revenue from them, we are practicing the highest economy just as much as if we are careful—and we should be careful—of the actual dollars appropriated.

In all, over 300,000,000 board feet of this timber was sold during the last fiscal year. Of the benefits which flow to the

community from the administration of the National forests the Secretary of Agriculture, in his last annual report, truly said:

These National forests are being made useful now. The benefits which they are to secure are not deferred benefits. Through Government control the interests of the future are safeguarded, but not by sacrificing those of the present. Far from handicapping the development of the States in which they lie, the reserves will powerfully promote development. They work counter to the prosecution of no industry, and retard the beneficial use of no resource.

And again:

Finally, Forest Service administration of the reserves is beneficial alike to the lumber industry and to the timber-consuming public. There is now standing on the reserves not less than 300,000,000 board feet of merchantable timber. This is not locked up from present use as a hoarded supply against future needs; it is ready for the immediate demands of a developing country. It will not be rushed upon the wholesale market in competition with the cheap stumpage prices of private owners anxious for ready money, and it will not be disposed of under a shortsighted policy of utilization which would leave a gap between the end of the present supply and the oncoming of the second crop; but it is and will continue to be available, first for the small user—home-builder, rancher, or miner—and then for the needs of lumber concerns, large miners, and railroads for which a timber supply is indispensable, and which, in turn, are indispensable to the prosperity of the West.

So that, Mr. President, is what is done with that wood, and that is not only bringing a revenue into the Treasury, but it is creating a continuous revenue from the same source for the future. I ask any Senator who objects to the Government being a "merchant," as we have heard, whether or not any Administration could be justified in not saving to the people of the United States the revenue that comes from the sale of this timber. What else would you do with it?

Would you give to one man to receive freely and sell for his own profit the timber for which another man stands ready to pay two or three or five dollars a thousand feet—millions upon millions of feet of it? For there is no other choice than this—either some favored individual or the people of the United States must receive the benefit. Under sales already made the Government will receive hundreds of thousands of dollars. The timber sold can not be removed except in large quantities; expensive plants must be provided to make it possible to utilize the timber at all. Should the Government abstain from receiving this revenue that some private individual may gratuitously reap a fortune? If so, on what principle shall selection of the person to receive this princely favor be made?

TECHNICAL INVESTIGATIONS ADD TO COUNTRY'S WEALTH.

But that is not all, Mr. President, nor is it perhaps the most important thing. We are developing this country, developing its resources. I very greatly doubt whether we have had any source of tangible wealth to the people so great as the aid that has been given the people in information, scientific direction, and help by the Department of Agriculture. An entire day might be most usefully spent, both so far as the people and the Senate are concerned, in reviewing the actual practical help to the people by the information that is gathered and given to the farmers of the country by the Department of Agriculture.

So the next thing the Forest Service does is to constantly test the trees and the various kinds of wood for new uses. It is found that some woods which formerly were supposed to be worthless are most valuable; so that, as one kind of timber is cut off and the lumber disappears another kind of timber is found.

I cite as examples of that two trees with which some Senators here will be especially familiar. One is the western hemlock and the other is the southern gum. The southern gum was a tree which afforded excellent lumber, but which immediately warped, so that the stock expression of a lumberman was that if you were to go to sleep on one side of a southern gum board you would wake up next morning on the other side of it, because it would warp so. But the Department has found a method of cutting and treating it so that it has become one of the considerable resources of the States where it grows. It has taken the place of wood which heretofore was used almost exclusively, but which now has become practically exhausted, just because we did not have such forest preservation as is now proposed.

Another is the western hemlock. Up to a few years ago the western hemlock was supposed to be unfit for lumber. This Department has developed the fact that it makes an admirable lumber; and now it constitutes a source of real revenue to the States where it grows.

The Forest Service is active in finding new uses for sawmill waste; testing new woods to be used for paper in place of those which are becoming exhausted or too expensive; testing new woods for mine props, railroad ties, box boards, vehicle woods, wooden pavements, cooerage, and many other uses. It is studying methods of preserving woods against decay, and is thus increasing enormously the service that can be got out of wood in some of its commonest uses. In this one field its work is equiv-

alent to increasing the timber resources of the country by creating out of nothing thousands and hundreds of thousands of acres of standing forest. Both by promoting economy in the use of wood and by preventing waste in harvesting the forest crop it has added millions of dollars' worth of material to the national wealth in private ownership.

Mr. President, that is not only creating wealth for the Government as such, but it is creating wealth for the people, because, of course, most everybody knows that most of the forest land of the United States is held by private owners. I think perhaps less than one-fifth—the Senator from Wyoming may know about that, and I want to be corrected if the statement is wrong, and it is too high, if anything—is held in Government reserves.

Mr. CLARK of Wyoming. It is very much too low.

Mr. BEVERIDGE. You mean that much more than the amount I named is held by private owners?

Mr. CLARK of Wyoming. Yes.

Mr. BEVERIDGE. I think that very much more than I have stated is held by private individuals, but the private owners do not and can not, unless they operate upon a scale almost as great as the Government itself, make these scientific examinations which discover the unknown properties of their wood. So in this one way the Department is creating enormous wealth for the American people.

Mr. CLARK of Wyoming. Right on that point, will the Senator allow me a question as to the scientific work of the Bureau?

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. BEVERIDGE. Certainly.

Mr. CLARK of Wyoming. Is it not a fact that nearly all of the scientific experiments of the kind to which the Senator is referring are conducted by the private owners, and that nearly all these experiments are made upon private timber lands? I ask him if that is not the general fact.

Mr. BEVERIDGE. No; not all of them by any manner of means. I understand the fact to be—

Mr. CLARK of Wyoming. I did not say all of them; I said pretty generally the experiment was not a united experiment between the private owner of the timber and the Government.

COOPERATION WITH PRIVATE OWNERS AND INDUSTRIES.

Mr. BEVERIDGE. I understand the fact to be—and I desire to get it right and I will put it in the Record right if I do not get it correct now, because we are trying to get information and we have no pride of opinion, and if any of us find that we have made a mistake we are all equally willing to admit it—I understand the fact to be about these experiments that they are conducted to ascertain the best uses of timber on the Government's forest lands, and also the best uses of timber on the lands of private owners. Where any private owner of forest land desires to test his wood, the Government cooperates very cheerfully, and even invites such cooperation. I am sure that every Senator here, no matter what may be his opinion upon any other subject, would approve that plan as a wise and common-sense thing.

In addition to cooperative work in timber tests, the Forest Service gives advice and assistance to private owners of timber lands all over the country. Unless these forests also are preserved, a timber famine not less dangerous than a coal famine is in sight. Applications for help of this kind come from both owners of small wood lots and holders of large timber tracts. What are called "working plans" are made; that is, certain rules are recommended for the proper protection, management, and utilization of the timber, to the end that the owner may be assured of a continuous supply of wood, at the same time cutting what is necessary for present needs.

The object of the wood-lot work is to give, free of cost to farmers and other small owners, advice and assistance in the improvement and use of their woodlands. The cooperative work on large timber tracts embraces the whole country, and in many cases the plans recommended by the Forest Service are now actually being carried out very successfully.

Cooperative work is also undertaken with the various States, and this branch of the work has been taken up with the greatest detail in California.

EXPLOITATION VERSUS DEVELOPMENT.

So, Mr. President, we see what the Department is doing. I am trying to forward the work as much as possible. Of course there is a tremendous and far-reaching and deeply founded policy beneath it which I stated in the beginning, and that is the prevention of that portion of this country—and, if we could, of every portion of this country—from continuing a desert or being made into one if it is not one already. We are

in a great work—and how characteristically American it is—the work of reclaiming, of saving, of developing, of making two blades of grass grow where none grew before. We have passed the period of destruction. We have abandoned that ruinous exploitation which was called “development,” but was the reverse. We are replacing as fast as we can those gigantic resources which, in the strength and in consequence of our national youth, we so ruthlessly and thoughtlessly destroyed. It is a great constructive policy designed to create conditions that will supply homes for hundreds of thousands and millions in the near future and even a denser population in the more distant future.

I have described some of them. One part of it is the conservation of the water. That is a subject which ought to be spoken of perhaps for ten or fifteen minutes by itself, but I am not going to take two minutes with it. I think we all now pretty well understand the methods by which these waters are conserved. The rain falls on the mountains, and the leaves—not the trees—and the leaves and the leaf soil hold it like a sponge. The great reservoir of nature is the forested mountain, from which water is distributed over the surrounding country. This provision and plan of nature with reference to the conservation and the distribution of waters is as wise as it is beautiful.

It is to restore that condition that the Forest Service is laboring, not only with fidelity, but with intelligence that is not surpassed by any other Department of the Government, to put the statement very mildly indeed.

GAME PROTECTION IN ACCORDANCE WITH STATE LAWS.

Now I come to a point that I see I have jotted down concerning the creation of game preserves. I have looked into that matter, and I find that no game preserves have been created except by Congress itself, and, of course, if we ever have acted unwisely in allowing the animals which nature placed there to be preserved there, the way is open to us, without any objection from the Department, or the right of any objection from the Department, to repeal our own acts. But this is what the Department has done. I find upon examination with reference to the laws of the States concerning game that where a forest reservation exists within the limits of a State the forest reservation is patrolled, guarded, and cared for by the foresters and forest rangers of the Nation. And the Nation's Forest Service, taking care of the Government forest reserves, *co-operates with the States in the execution of the States' game laws even in those reserves.* Mr. President, that ought to be satisfactory—

Mr. CLARK of Wyoming. It is.

Mr. BEVERIDGE. To the most extreme State rights man. I regretted when the question of State rights was interjected here. It has nothing to do with this question. No friend of forest reserves would destroy the rights of a State, his own or any other, and I am sure, on the contrary, no rational believer in that doctrine would deny that it was not only the right, but the duty of the Nation to preserve its great forests for the large public purposes I have described, as much as it possibly could.

The Senator from Wyoming [Mr. CLARK] said that that was what he wanted them to do. He was glad of that. My own sincere belief is that when we examine one by one the points that have been made, and gather information upon them from the original source, every one of the Senators who have spoken against, not the forest-reserve system itself, but its administration, will be entirely satisfied—yes, and even pleased, as much pleased as those of us who, on account of the exigencies of the debate, were compelled to examine into those facts.

The regulation of the Forest Service in reference to the protection of game and stock is as follows:

Regulation 70: All forest officers will cooperate with State or Territorial officials, so far as they can without undue interference with their regular reserve work, to enforce local laws for the protection of game and stock. When authorized to do so by the proper State officers they will, without additional pay, act as game wardens and stock inspectors, with full power to enforce the local laws. If not so authorized they will promptly inform the State officials of all violations discovered.

All supervisors will communicate at once with the State or Territorial game warden and request appointment for themselves and all the rangers under their supervision as deputy State game wardens. This appointment is sufficient warrant to arrest for offenses against the State and Territorial game laws.

RESERVES NATURAL FOREST LAND.

I come now to a statement made—and it was an illustrative statement—yesterday afternoon by the Senator from Colorado [Mr. PATTERSON]—and I am sorry that he is not in his seat. But the Senate has heard him—and I think possibly one or two other statements were made like it. The Senator from Colorado

yesterday described, with that vigorous eloquence which so characterizes him and charms us all, the establishment in Colorado of a great reserve, larger, he said, than some States, without a single tree upon it or any tree ever having grown upon it. I took pains to look up the facts as to that statement; and what are the facts?

It is true, in part, Mr. President, that such a reserve has been taken up so far as the existing trees are concerned. But it was originally land every foot of which was covered with magnificent woods, which have long since been burned away until parts of the mountains—and it is a mountain region—where that reserve is are as bare of trees as three mountains I saw in the States of Colorado and California—though they were bare from a different cause—as the surface of this desk. But it is natural forest land. It is ideal for reforestation; it is being reforested. But the reforesting is impossible if all the herds and all the flocks of Colorado belonging to her great cattle and sheep kings and princes—and I have no objection to them; I should like to be a king of that kind myself—are allowed to pasture their countless herds over that reserve at will and without control as well as without charge.

Mr. President, it was held out by intimation, if not by direct statement, that this land was fit for agricultural purposes and that the policy of the Department, therefore, had been to despotically take a principality in size, where no trees grew, and keep off the “sweeping tide of immigrants” from “founding homes.” The fact is that it is above the agricultural line where homes are not “founded,” and “immigrants” do not “pour in tides” or “pour” in any other way. Most of it is over 8,000 feet above the sea level, where farms are not practicable, except, I believe, a certain kind of farming, which is not worth taking into account. It is one of nature's natural forest reservoirs of water for the purpose of distributing that water for the uses of the people where the land farther down is agricultural.

What exists with reference to that land now is this: It is grown over with grasses; those grasses are good for grazing, and over that great extent, which belongs to the Government of the United States, the stockmen and the sheep men of Colorado have been fattening their herds. And they ask to do it still more—and that, too, without paying the Government a dollar.

RESERVES NOT UNPEOPLED SOLITUDES.

Let us bear in mind the actual conditions. A forest reserve contains lands “chiefly valuable for timber.” Yet if the farmer finds up and down some valley that creeps back into these mountains a site for settlement, it is open to him as much as any other part of the public domain, if he enters in good faith. The reserves have been pictured as vast stretches of unbroken wilderness, empty solitudes trod only by the forester. In point of fact, they contain thousands of ranches; they contain hamlets, villages, and towns, to say nothing of lumber camps and railroad construction camps and mining camps. Wherever signs of mineral can be found the prospector stakes out his claim. In summer they are alive with those who resort thither for health and recreation—50,000 of them in one season in southern California alone—and with the cowboys and sheep herders, who guard and care for the 7,000,000 head of animals that last year grazed in the forest reserves.

BENEFITS OF REGULATED GRAZING.

These forests of the West are unlike those of the East. They are often open and park like, with forage plants growing beneath the trees. These grasses, like the trees themselves, will be wasted if they are not used. For this reason the Forest Service permits grazing in the reserves, but in every case is careful to exclude grazing from areas in which it has been found harmful. For example, grazing is not permitted in forests “under reproduction,” as the Forester speaks of it—that is, forests in which cuttings are in progress to invite young growth. Forest reserves have never been created out of lands which are merely grazing lands. Yet this resource is like the forest in that it may be greatly impaired and even destroyed by unwise use. Unrestricted admittance of all stock would bring, and in many cases has brought, a decline in the number which the range would support. By licensing only so many head as the range can well support the Forest Service has proved to the satisfaction of the stockmen themselves that the carrying power of the range season after season is actually increased.

It was said that this was the crowning “infamy” of the Department, that the Department actually charged a “license fee” before any of these men were permitted to graze their cattle. I ask the Senate what else could the Government do? Ought the Government give that privilege to the cattle and the sheep men,

and if the Government ought not to give it to them can anybody imagine a safer or more practicable system of charging than the permit system? The legality of the regulations under which the permit is required, resting upon the act of June 4, 1897 (30 Stat. L., 34-36), has never been questioned by any court. It was established by the decision of the United States circuit court of appeals at San Francisco in 1903, in the case of Dastervignes against the United States (122 Fed. Rep., 30), in which that court affirmed a decree granting an injunction to prevent unpermitted grazing. The district courts of Utah, southern California, and the Eastern District of Washington have, it is true, decided that unpermitted grazing is not punishable as a crime—that the act of June 4, 1897, in so far as it provides for criminal punishment is unconstitutional. But Judge De Haven, of the Northern District of California, in the cases of United States against Daguerre and the United States against Urarti, held that the criminal provisions of the statute are constitutional, though in so doing he overruled a decision to the contrary made by him before the Dastervignes case was decided by the circuit court of appeals. The supreme court of Arizona, a court coordinate with the district courts, also held, in the criminal case of Dent against United States (76 Pac. Rep., 455), relying on the authority of the Dastervignes case, and overruling its earlier decision, that the statute is constitutional in making violation of the regulations a criminal offense.

RESPONSIBILITY FOR LIEU LAND ABUSES.

Now I come to the question of lieu land. I thought when I heard the Senator from Oregon make his charge the other day that he made a very serious charge, and when it was renewed by the Senator from Montana it appeared to me even grave. I knew that neither one of those Senators would make such a charge as that thoughtlessly. I have looked it up, and, in my opinion, that charge is entirely true.

I think it is entirely well founded, and after my investigation I think the language of the Senator from Montana, which I thought at the time was severe, is entirely justified, when he said that the relations of the Department at one time with the land-grant railroads would bear looking into.

I find that it is true, as the Senator from Oregon described, that large tracts of land in Washington which were worthless had been released and lieu lands taken up in valuable portions of Oregon. But what has this Bureau to do with that? What are the facts? Let us be just to everybody. Nobody intends to accuse any man falsely nor condemn any man unjustly. The truth is that was done under a construction of the law by the Land Office some years ago, and one of the first objections to it that was made within the Government itself was made by the Bureau of Forestry and personally by Gifford Pinchot, the Chief Forester.

The Senator from Minnesota, who was most active in repealing that law to which a false meaning had been given by this construction of the Land Office will bear me out in that. Mr. Pinchot from first to last was active not only in suggesting in his report, which I will ask to have inserted in my remarks, but in every other way, that that thing which he himself characterized as a wrong should be undone and that the impossibility of a repetition of that wrong should be absolutely assured.

The VICE-PRESIDENT. Without objection, permission is granted.

Mr. FLINT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from California?

Mr. BEVERIDGE. Certainly.

Mr. FLINT. I should like to ask the Senator from Indiana the date of that report?

Mr. BEVERIDGE. Nineteen hundred and four. I have written out a statement about this matter, because I wanted it to be accurate, and I will read it.

The so-called "lieu land law," which permitted the exchange of lands in forest reserves for lands outside, was passed June 4, 1897, before Pinchot, the Forester, came into the Government service as Chief Forester. Whether or not its meaning was erroneously interpreted by the Secretary of the Interior, so as to extend its action to railroad and other lands not contemplated by Congress, is not the question. Without doubt the law was a bad one and worked great injury to the Government. It was recommended for repeal February 13, 1905 (the Senator from Minnesota had charge of that), by the Public Lands Commission—and I hold in my hand the report—of which this man Pinchot, the Chief Forester, was a member, and it is my understanding that it was upon his initiative that the Commission made the report.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Montana?

Mr. BEVERIDGE. I do.

Mr. CARTER. The Senator from Indiana will do me the justice to bear witness that in no word or suggestion have I intimated, directly or indirectly, any responsibility of Mr. Pinchot for the law or its erroneous construction.

Mr. BEVERIDGE. I do indeed so recognize. I desire to say to the Senator from Montana and the Senator from Oregon that I am making my remarks at this point rather as an extension of the remarks of those two Senators. I do this because I thought, and I think the Senator thought, that a very great wrong had been done, and it was connected in my mind, I will say to the Senator—as an impression such as we gather in debate, until I examined it—with the Forestry Bureau. But when I looked up the Senator's remarks I find that he is entirely right in what he says, and so is the Senator from Oregon in what he says.

Mr. CLARK of Wyoming. Will the Senator from Indiana permit me to make a suggestion in connection with the point he is now discussing?

Mr. BEVERIDGE. Let me read this first, so that it will not be broken into.

Mr. CLARK of Wyoming. I am afraid we will pass away from the point.

Mr. BEVERIDGE. I will be through in a moment.

I think, perhaps, the first man in the whole Department who recognized the bad features of this law, and did it quickly, and who immediately took steps, as he always does, to correct a wrong whether he committed it or not—and in this instance we all know it was committed in the Land Office—to immediately correct it was Mr. Pinchot. The Forestry Service never did have anything to do with the wrongs of which you so justly complain, except to suggest and help in correcting them.

I hold in my hand the report of the Land Commission, made in 1904, upon which the President recommended the repeal of this law, and of this Commission the man who is now Chief Forester, at the head of this Bureau, was a member. I hold in my hand—I will not stop to read it, but the Senate can see where the blue pencil mark is, and I shall ask leave to insert in my remarks—the recommendation of this Commission, upon which the remedial action of Congress was taken.

The matter referred to is as follows:

LIEU LANDS.

Careful study has been given by your Commission to the subject of forest-reserve lieu-land selections. These selections have given rise to great scandal, and have led to the acquisition by speculators of much valuable timber and agricultural land and its consolidation into large holdings. Furthermore, the money loss to the Government and the people from the selection of valuable lands in lieu of worthless areas has been very great. There has been no commensurate return in the way of increased settlement and business activity. Public opinion concerning lieu-land selections, by railroads in particular, has reached an acute stage. The situation is in urgent need of a remedy, and your Commission recommends the repeal of the laws providing for lieu-land selections.

A partial remedy by Executive action has already been applied by carefully locating the boundaries of new forest reserves, and thus limiting lieu-land selections to comparatively insignificant areas. The last annual message to Congress declares definitely that—

"The making of forest reserves within railroad and wagon-road land-grant limits will hereafter, as for the past three years, be so managed as to prevent the issue, under the act of June 4, 1897, of base for exchange or lieu selection (usually called scrip). In all cases where forest reserves within areas covered by land grants appear to be essential to the prosperity of settlers, miners, or others the Government lands within such proposed forest reserves will, as in the recent past, be withdrawn from sale or entry pending the completion of such negotiations with the owners of the land grants as will prevent the creation of so-called scrip."

There are now lands in private ownership within existing forest reserves, and similar lands must to a limited extent be included in new reserves. Therefore, a method is required by which the Government may obtain control of nonagricultural holdings within the boundaries of these reserves. Your Commission recommends the following flexible plan: Upon the recommendation of the Secretary of Agriculture, when the public interest so demands, the Secretary of the Interior should be authorized, in his discretion, to accept the relinquishment to the United States of any tract of land within a forest reserve covered by an unperfected bona fide claim lawfully initiated or by a patent, and to grant to the owner in lieu thereof a tract of unappropriated, vacant, surveyed, nonmineral public land in the same State or Territory and of approximately equal area and value as determined by an examination, report, and specific description by public surveys of both tracts, to be made on the ground by officials of the Government. When exchange under these conditions can not be effected, lands privately owned within forest reserves should be paid for in cases where the public interest requires that such lands should pass into public ownership. The Secretary of the Interior should be authorized to take the necessary proceedings as rapidly as the necessary funds are provided.

Mr. BEVERIDGE. I now yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. I think the opportune moment has gone by, but still I will put it in.

Mr. BEVERIDGE. Go right ahead.

Mr. CLARK of Wyoming. The Senator has spoken of the fact that he is convinced that a great amount of worthless land within the reserves was by operation of the lieu-land law exchanged for a very large amount of valuable timber land outside. I would ask him if he does not believe that that emphasizes the righteousness of the contention of those who have opposed the administration of the forestry policy, that many of the reserves were improvidently created? In other words, that much land has been included within them which ought not to have been included? And, further, I ask the Senator if this worthless land had not been included improvidently in reserves as timber land, would it have been possible for the railroad companies to have exchanged that land for valuable land outside, thus giving rise to these great timber scandals?

Mr. BEVERIDGE. No; I will say to the Senator exactly the reverse. But so far as concerns this Bureau and its work, and that is the subject we are now considering, what I have read, what we all agree to, is that all of the establishment of the reserves that may have been bad, was *before the scientific system that is now being practiced came into use.*

Mr. CLARK of Wyoming. With all due respect to the Senator's logic, we can not accept that premise. The complaint that is made is made against the administration of the forest reserves—

Mr. BEVERIDGE. I will come to that.

Mr. CLARK of Wyoming. Whether it has been under the Interior Department or under the Agricultural Department, or under Mr. Pinchot or whoever it has been under. This dissatisfaction is not aimed at Gifford Pinchot. I want to make that perfectly plain and clear now. It is aimed at the policy which has prevailed since the establishment of forest reserves.

Mr. CARTER. Mr. President—

Mr. BEVERIDGE. Now pardon me, before the Senator asks me a question. Right there, I went over in some detail, notwithstanding the lateness of the hour, and I am not going over it again, on account of that, the actual administration, just what the Department does, to answer, without getting into any controversy, the suggestion which has been made that the tangible administration of the Bureau is in any wise imperfect even.

We can not attack the creation of reserves to-day, which everybody admits are faithfully, carefully, and with scientific accuracy created, and whose administration is as perfect as knowledge and integrity can make it, merely because in the past some person else, before this administration had anything to do with it, may have done wrong, one of which wrongs this very man himself, as I have shown, helped to correct.

Mr. CARTER. Will the Senator permit an interruption?

Mr. BEVERIDGE. I will.

Mr. CARTER. The situation of which complaint is made presented this aspect, to wit: This Government owned large areas of very valuable timber land. The ownership of the Government over the land was undisputed. The superb character of the timber growing upon the land no one questioned and everybody knew. That character of land was not included in forest reservations until a lot of destitute, barren land in Arizona and elsewhere had been included in forest reserves—land which at the time of such inclusion was largely in the ownership of railroad companies, and that private ownership of these barren lands gave to the railroad companies the right to exchange the barren lands for the superb timber lands to which I referred.

Now permit me to ask why these great, superb, and valuable timber lands were not first withdrawn as forest reservation, so to be protected from the rapacious grasp of the land-grant railroad, seeking lieu land for its trifling land in Arizona and elsewhere?

Mr. BEVERIDGE. The original fault was in Congress, which made the law capable of the construction the Land Department put upon it.

Mr. CARTER. Mr. President—

Mr. BEVERIDGE. Let me answer your question. The secondary fault was in the Land Department for putting that construction upon it *and the remedy for which*—and let us spend no more time on that point, because the Senator ought generously to admit it—was suggested by the present Chief of the Bureau. So the fault, whatever there is, lies with us.

Mr. CARTER. Will the Senator inform us now why it was, when this great body of splendid timber land was in peril, the power of the Government was not exercised to protect it by withdrawing it and putting it in a forest reserve, and thus beyond the grasp of the lieu-land speculator?

Mr. BEVERIDGE. That has been a long time ago, and was

because of the law which we ourselves had passed—

Mr. CARTER. Mr. President—

Mr. BEVERIDGE. Now pardon me. I have gone over this two or three times—and which this Bureau, and the head of this Bureau as one of this Commission, *was the first to suggest the correction of.*

Mr. CARTER. But the law which allowed poor land to be withdrawn certainly allowed good timber land to be likewise withdrawn. Why was not the good land withdrawn first?

Mr. FLINT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from California?

Mr. BEVERIDGE. Certainly.

Mr. FLINT. I would like to ask a question of the Senator from Montana. How long was it after the Secretary of the Interior had made the ruling he has mentioned before Congress acted and repealed the statute permitting the selection of good lands for the bad lands surrendered?

Mr. CARTER. From the very beginning it was within the power of the Interior Department to protect all the valuable timber land in the United States by including it in a forest reserve before any barren land at all was put in a forest reserve. The policy pursued was to put the barren land in forest reservations first and leave the superb timber land open, to be taken in exchange for the base lands in the forest reserves.

Mr. BEVERIDGE. If that was the policy, it never has been the policy under the present administration of the office.

Mr. CARTER. I refer to things done and not to policy. I refer to accomplished facts and public records and not to chimerical policies or uncertain data.

Mr. BEVERIDGE. That is rhetoric, but as a matter of fact the Senator must be as fair to me as I was to him and admit, and not only admit, but gladly assert, and I know the Senator will, that none of the things of which the Senator complains had its source in the present administration of the Forestry Bureau.

Mr. CARTER. I admit that Mr. Pinchot complained early and earnestly of the law.

Mr. BEVERIDGE. Yes.

Mr. CARTER. I place the responsibility where I think it belongs—

Mr. BEVERIDGE. That is right.

Mr. CARTER. On the shoulders of those who so connived with the construction of this law as to pass to the land-grant railroads the splendid timber lands of Washington, Idaho, and western Montana in exchange for chaparral land in Arizona.

Mr. BEVERIDGE. I heartily agree with the Senator.

EFFECTIVE ADMINISTRATION OF THE NATIONAL FORESTS.

Mr. President, I have examined briefly the policy, the three grounds of public good upon which this whole forest-reserve system rests. Now, as to the question of administration, by which we mean the management of the reserves, it includes several things. After the reserves have been located in the painstaking way they are, as I have shown here by these maps and by the instructions to the locators of reserves, they are remapped. They are classified as to trees. There is now under the actual practical administration of this Bureau 128,000,000 acres, I believe. The Senator from Montana will correct me if I am wrong.

Mr. CARTER. One hundred and twenty-seven million acres.

Mr. BEVERIDGE. One hundred and twenty-seven million acres. Now, through that runs a great system of forest patrol. It is policed by a network of forest rangers. One Senator yesterday referred to the fact that the examination of the land could not have been thorough, because one man had gone over 4,000,000 acres in two weeks. Was it not that? It was something like that, in any event, Mr. President. What does that mean? Merely that instead of cutting down the appropriation for the proper care of the reserves it ought to be increased. As a matter of fact, the forest policing is very careful, thorough, systematic. They police the forests, and I will tell in a minute what that means. If any man thinks that a forest police is not valuable, I shall show in a moment that there is no individual service in this Government that is more valuable or more delicate.

This policing is done by the rangers—900 of them employed last year to patrol 100,000,000 acres of land—one ranger to 110,000 acres, or 172 square miles. In the highly profitable forests of Prussia there is one forest guard on the average to every 1.7 square miles. Small wonder that the cost of administration in the United States in spite of the higher scale of wages has been kept below that of any other European country

except Russia. The cost of administration has been officially reported for various countries as follows:

Year.	State.	Government forests.	Actual expenditure on management of State forests.		Percentage of gross income expended.
			Total.	Per acre.	
1898.	Baden.	<i>Acres.</i> 231,082	\$655,972	\$2.97	43
1895.	Bavaria.	2,350,193	3,701,000	1.50	50
1899.	Switzerland.	94,280	124,740	1.32
1895.	Prussia.	6,846,733	8,408,000	1.23	50
1900.	France.	2,691,581	2,801,949	1.04
1898.	Belgium.	62,551	43,597	.68	22
1874-1893.	Austria.	2,573,100	1,434,000	.56	72
1885-1894.	Hungary.	3,512,700	1,090,385	.34	61
1899.	British India.	51,192,000	3,450,000	.07	59
1898.	Sweden.	18,640,300	558,600	.02	18
1900.	Russia.	643,067,880	5,086,181	.008	18

The Forest Service is now expending annually, in administering the reserves, 1.6 cents per acre. Doubtless it should spend more, and must spend more as use of the reserves increases, for wise use means supervision and supervision means expense. Every live tree that is cut on the reserves is first marked by the forest ranger's axe; every log that is sold is scaled; and this is but one of their many duties, which include guarding the range against trespass and the forests against fire. And all this with one ranger to 172 square miles! It needs no further evidence to show that these are not invalids, or Eastern tenderfeet, or college-bred impractical theorists. They are men of the West, woodsmen, cowboys, lumberjacks—men who can ride the mountain trails and live a frontiersman's life. As to their efficiency, the record of forest fires throws some illumination on that point. I shall have something to say on that subject presently.

The next thing that the Forest Service does in the actual administration, after the test of the trees, after the marking of the "ripe" or mature timber, after arranging for the sale of that and the "down" timber, is to make trails and build roads, so that it is possible to communicate with one part of the reservation from another, and, further, so that if any agricultural lands are taken up by homesteaders there is a system of communication.

Then along this road there are built telephone lines, so that if in one portion of the forest a fire starts a ranger who finds himself unable to put it out may instantly telephone for help, so that men may be sent there and extinguish the fire while it is still young. Also, they build bridges, so that instead of a wild, ruinous, and rotting tangle of forest land you have a forest land which is woven together by trails, by a network of roads, and by telephones. You have the "ripe" timber cut and taken off so as to increase the growth of that which is left. You have the "down" timber disposed of by selling it instead of permitting it to rot. You create a natural and healthy and perpetual forest, and therefore a profitable forest.

SUCCESS OF PROTECTION AGAINST FOREST FIRES.

Mr. President, about the question of fires. In conversation yesterday I said that one of the most valuable services the Forest Service does was to preserve the forests from fires. I myself have had a little experience with forest fires and considerable observation about them, and there are Senators here from the West who have had a great deal more. It was suggested to me that the men who put out the fires are not the foresters, but really farmers. But that shows that there is still not as much knowledge in the Senate or the country as there ought to be as to what this Bureau is doing in the way of practical administration; because nearly all the fires that are now started in these mighty western forests are extinguished before they are old fires.

When a forest fire gets under way hardly all the farmers in a State could stop it; and I, in common with other Senators, have seen great areas of forest land, where millions—and I might also be accurate in saying tens of millions—of dollars' worth of Government property has been destroyed in less than two weeks' time. Then this is another part of its administration, and so excellent has it been—and I call the attention of the Senator from Montana to this, because he will know better than I—so excellent has this fire protection been that the entire West has been practically clear of smoke during the summer time for the last two years.

Mr. President, that last circumstance is something which, to those who live near great forest districts, is of absolutely incalculable consequence. I myself have seen, in the forests of the Northeast mighty conflagrations raging which swept away villages and towns; and in one such fire, I remember, more than a

hundred human beings lost their lives. I have seen, and the Senator from Montana has seen much more than I, the whole atmosphere clouded for weeks with smoke from these criminal acts of negligence—because that is what they are. When the Forest Service of the United States stops one of these fires they have saved more money to the Government than ten appropriations like this. We speak of economy, but we mean economy of resources, and trees are resources and soil is a resource as much as actual dollars.

The Forest Service keeps careful records of all fires on the reserves. These include even the smallest fires, which are put out before they have covered more than a few square rods—fires which, but for the vigilance of the forest officers, might become great conflagrations, but which are extinguished without cost beyond the salary of the rangers who patrol these forests as a part of their regular duties. During the year 1906, out of a total of 97,000,000 acres under administration, one-eighth of 1 per cent was burned over, and three one-hundredths of 1 per cent of the estimated standing timber was destroyed. Out of over 1,100 fires reported, 450 were extinguished without one cent of extra cost to the Government. Nearly 700 large fires were fought, at a total cost of less than \$9,000 for extra labor and supplies. That is pretty good evidence of the efficiency of the protection which the Forest Service gives, at a lower cost per acre, as I have already shown, than any European country except Russia—and Russia's figure is so low because the greater part of her forests are not under administration at all.

INCREASE IN THE FLOW OF STREAMS.

The next thing is the exactly opposite thing, and yet closely connected with it—I am now talking about the actual tangible administration of this Service. The next thing which shows how completely the Service is practical and results in a definite and tangible benefit to the people is whether or not, as a matter of fact, it increases the waterflow in the streams. If we can show that it has kept the West, that mighty area of imperial forests, clear of smoke for two summers, we have vindicated it. But now if we can show, as a matter of fact, it has kept the streams' banks full, we have done more than that.

As a matter of fact, actual stream measurements made in southern California show an increase of 25 per cent in the flow of water since the reserves were created. No wonder the two Senators from California are hearty supporters of this policy. That means life to the people of California. That means prosperity to the people of that region. That means happy homes for hundreds and thousands of people. And so the Senators from California, speaking from actual experience, can testify, as they have so repeatedly testified, to the practical excellence of the tangible administration of these reserves. The same is true elsewhere.

So we see that in all the details of actual administration the Bureau is well-nigh perfect. I do not use that adjective unwittingly or lightly. I do not use it without having something of an official nature to support it. It is my purpose in the Senate to make no statement that I can not substantiate by something recognized as authoritative. I myself have never been greatly impressed by statements, however powerful they may seem, which could not be sustained by authorities.

BUSINESS METHODS OF THE FOREST SERVICE.

The Department's conduct of these reserves has been criticised, even as to its administration here in Washington. This Department and all of the Executive Departments were examined by a commission called "the Keep Commission." I do not know whether that Commission is very popular or not, and the question is not whether it is. The question is whether what that Commission found of this Department is true. I wish to state in the beginning that a member of that Commission was Mr. Pinchot. But the man who testified before the House Committee on the Expenditures of the Agricultural Department was not Mr. Pinchot. It was Mr. Garfield, who is about to be the Secretary of the Interior. They went through all the Departments and one model department was found as to its actual administration, and particularly as to its system of auditing accounts, particularly as to the extreme care it took of the people's money. And so admirable was this Bureau found to be that it has been taken as an example upon which to recast and remodel other Departments and bureaus of the Government.

Mr. PERKINS. The Senator refers to the Keep Commission.

Mr. BEVERIDGE. This statement was given to me by the chairman of the House Committee on the Expenditures of the Agricultural Department, Mr. LITTLEFIELD, of Maine. His committee has had hearings on this very question; and it is from the testimony of Mr. Garfield I am now going to read; and then I will repeat what the chairman of the House committee

authorized me to quote on this floor as to what his report would be.

The CHAIRMAN. State what you found with reference to the relative efficiency of the Forest Service as a whole as compared with other bureaus that you examined.

Mr. GARFIELD. The committee were unanimous in the belief that the efficiency in the Service was so much greater than we found in the other offices that we used many of the methods we found in vogue there as a basis for recommendations for changes in other branches of the Government service, believing that if they were put in vogue generally throughout the service there would be an enormous increase in efficiency in the other offices where it was adopted.

There are too many pages of this for me to read to the Senate at this late hour, but I will ask permission to insert it in my remarks.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

[Extracts from statement of Hon. James R. Garfield, Commissioner of Corporations, Department of Commerce and Labor, before the House Committee on Expenditures in the Agricultural Department, Saturday, February 16, 1907.]

The CHAIRMAN. Did the Commission (on Department methods) examine the Bureau of Forestry in the Department of Agriculture?

Mr. GARFIELD. It did.

The CHAIRMAN. Will you be kind enough to state what they found with reference to its organization and its efficiency as a Bureau?

Mr. GARFIELD. As a member of the Commission I personally went through the Forest Service and examined the various divisions, the methods of accounting, the methods of bookkeeping, the method of safeguarding the supplies and the issue of supplies, the system of handling correspondence and vouchers, the system of filing, the methods in vogue for attending to the work of the aforesaid Service, so far as the methods of the office were concerned—that is, the reports of the agents in the field, the officers in charge of the forest reserves, and the officers who were the general inspectors in the different districts, examining the reports sent in by these officers, and following through the actions by the Forest Service upon those reports or recommendations. The general result of this investigation was that the committee unanimously agreed that the general system in force in the Forest Service was one of the most complete and most satisfactory of any of the offices which were examined by the committee in any of the Departments. In matters of personnel, the system of, first, the arrangement of salaries, the classes and grades of employees, and the methods of promotion seem to afford the opportunity for the selection of the most efficient employees and the weeding out of the inefficient employees. We examined in detail the records of the various employees and the suggestions made by subordinate orders to their superior officers in many matters connected with administration of the personnel question. There had been in the Forest Service a remarkable movement in the personnel matters. I mean that it was evident from the records that employees were reduced or dropped if they were found inefficient, and the deserving employees, as shown by their records, had been promoted when opportunity afforded and when it was for the best interest of the Service.

The organization of the field service was at that time undergoing revision. There were some suggestions made by the committee regarding this reorganization, which I understand were thereafter adopted. They were not radical, simply a modification of the system then in vogue, namely, it is made possible for the Chief Forester to keep in constant touch with the work in the field, and by interchange of work, that of bringing men from the field into the office, and sending the office men into the field, it gave the Forester and his first assistant an opportunity at all times to know what really was happening among the rangers on the reserves. We found further that with the force of rangers that were transferred from the Interior Department, a number of important changes had been made. It was evident that when the service was transferred to this Bureau quite a large number of inefficient men were on the list, men who had been appointed not because of any peculiar adaptability to the work or qualification therefor. Many of these men had been dropped, and the committee was given to understand that as rapidly as any of the men were found inefficient they would be dropped and competent men put in their places. We further examined the method used by the Bureau for obtaining efficient men through the Civil Service and through other investigations made by the Chief of the Forest Service or his subordinates. And we were convinced that the character of information sought to be obtained was such as would disclose the qualifications of the applicants for the special work to which they were to be assigned.

In other words, the inquiries were not of a character that were simply academic, but sought in each instance to develop the qualifications of those men who were to be sent into the field as inspectors or rangers. As to the method of handling accounts, we found that there had been a material reduction in the ordinary amount of what is called "paper work" in the handling of vouchers and accounts and in the settlement thereof; that by the bringing together in the hands of one officer—the special fiscal agent—there has been great saving both in time and expense in the handling and settlement of accounts, and that by bringing together the accounting divisions of the office the Chief Forester was able to check up in a most satisfactory manner the payments of the Bureau for the use of forest reserves. This one point the committee especially examined, because it had to do with the question of accounting for receipts of public money, one of the points which in many offices we found open to great criticism. The system then in vogue in the Forest Service was not as complete as it has since been made; but after the transfer of the work from the Interior Department to the Forest Service the matter has been immediately taken up, and the system which the committee found in vogue was very much better than we found elsewhere, and afforded a means for very careful checking of the funds as they were received, avoiding in a great measure the possibility of misuse or misappropriation or loss of funds before they reached the Treasury Department.

The CHAIRMAN. The committee must have spent some time examining this Bureau?

Mr. GARFIELD. We were there about two weeks altogether. We took that, with three or four other bureaus, as samples in the first instance—some bureaus where the statutory roll was in vogue, and this bureau where the lump-sum appropriation was in vogue.

The CHAIRMAN. What is your judgment as to the lump-sum method? Mr. GARFIELD. I think it is very much the more satisfactory method of appropriation. It of course requires a very much greater degree of inspection and care on the part of the head of the bureau, but with that inspection and care a man can accomplish very much more work with the same amount of money and get very much better results from the clerks under that system.

The CHAIRMAN. Did you see any indications of that kind of inspection and care in the Forestry Bureau?

Mr. GARFIELD. I did.

Mr. GARFIELD. Yes; we found conditions of that character in the Forest Service. Up until that time there had been the general supposition that cost keeping could only be successfully applied to those bureaus or Departments that engaged in manufacturing. That is not true. Cost keeping can be applied equally well to clerical work, and the system of the Forest Service was at that time being worked out for the determination accurately of the cost of the Service, both outside and inside.

The CHAIRMAN. If you have an inefficient man that discloses it? Mr. GARFIELD. It discloses it instantly. And in regard to the Forest Service, we found that same method of handling their business was being installed there, and had been in great measure carried on there before. At the end of each month, by a system of accounting which was exceedingly simple and had been worked out on the very best of accurate and looseleaf ledger methods, the Forester was able to tell exactly what his general balance was, all the moneys received, all the moneys expended, all outstanding liabilities, and the allotments made to carry on the various characters of work in the different reserves; and there were shown on this balance sheet not only the expenditures that had been made, but those that had been authorized, and the details of the appropriations, so that at the end of each month the Forester was able to tell whether or not his orders had been carried out and his subordinates were keeping within the allotments, and that the total was within the appropriations made by Congress for the work.

The CHAIRMAN. It would be impossible to have a deficiency of any consequence if all the Departments of the Government were conducted on this plan?

Mr. GARFIELD. Absolutely impossible.

The CHAIRMAN. State what you found with reference to the relative efficiency of the Forest Service as a whole, as compared with other Bureaus that you examined.

Mr. GARFIELD. The committee were unanimous in the belief that the efficiency in that service was so much greater than we found in the other offices that we used many of the methods we found in vogue there as a basis for recommendations for changes in other branches of the Government service, believing that if that was put in vogue generally throughout the service there would be an enormous increase in efficiency in the other offices where it was adopted.

The CHAIRMAN. You say you stayed about two weeks there. Did you do that work personally, or were the whole commission there for the two weeks?

Mr. GARFIELD. Yes; we spent one, two, or three hours a day, as the case might be, and the members of that commission went personally through every division of the office, and all the files of the office. I personally went over these records in detail, and the office accounts in detail. I called for various cases to see what the conditions of the files were. I called for letters on subjects that I knew nothing of except in a general way, connected with forestry, and the files would be handed to me and I would look through the files in these special cases to see what condition they were in, and to see whether the system as adopted actually worked out.

The CHAIRMAN. To see if it gave concrete results?

Mr. GARFIELD. Yes, sir; to see if it gave concrete results. I found that it did.

Mr. BEVERIDGE. This is not the report of the Commission. This is the testimony before the House committee of one of the principal members of the Keep Commission, who in a few days will be the Secretary of the Interior of the Government of the United States.

Now, I am permitted by the chairman of the House committee [Mr. LITTLEFIELD] to state with his express authority that after his committee had fairly heard all of the testimony which anybody chose to give on this subject, and the usual notices had been sent out and opportunity had been given to those who complained to appear before them; and after one of the Senators from this Chamber had appeared before them, he, the chairman of the House committee, is now completing his report. He has it entirely finished, I think, and it will be printed by Monday. The chairman of the House committee specifically authorized me to state that the report of his committee without a single dissent would substantiate in the fullest degree the testimony of Mr. Garfield, which is only a summary of all the evidence given before it.

Mr. President, in view of this showing, more formal and complete than any similar showing that I in my short public experience remember, I think the Senators who have suggested that the administration of the office might not be wholly admirable will do us all the credit to suggest that it was not with reference to the administration, but to the original policy, of these reserves in which the wrong was committed, and to correct which this Chief Forester was the speediest as well as the most vigilant man.

THE GOVERNMENT A "MERCHANT."

The next question was, and it was urged repeatedly, that the "Government ought not to become a merchant." Oh, that is merely a catch word. "The Government become a merchant." Mr. President, why should not the Government charge for the grasses growing on the great ranges which are in these reserves

as much as it ought to charge for the wood, the "ripe" and "down" timber on them?

Mr. SPOONER. That argument—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. BEVERIDGE. Of course.

Mr. SPOONER. That argument proves too much, because it would prevent the Government from selling its lands.

Mr. BEVERIDGE. To be sure it would; one could say "The Government ought not become a real-estate dealer." And here is another thought that suggests itself. If the Government ought to give the stockmen of the West land upon which to fatten their cattle, for instance, then why should not the Government furnish hay to the farmers in the East? The analogy is complete.

THE ALTERNATIVE.

I do not think that any tangible criticism can be made upon the selling of timber instead of allowing what has occurred in the past to occur again—the thefts of the vast areas of timber lands belonging to the Government; the sawing of that timber up into lumber; the putting of the proceeds of that transaction into the pockets of men who became the great timber barons of the West.

An extract from a published letter of the President written to Senator HEYBURN under date of June 13, 1905, illustrates this matter:

One specially interesting article contains an interview in which the opinion is expressed that the recent temporary withdrawal in the Coeur d'Alene and Lewiston districts was encouraged by certain large corporations, which corporations already hold large bodies of timber land in Idaho and adjacent States. It is argued that if this temporary withdrawal is made permanent these corporations will be the only people who can purchase the timber from the Government, and that they will be able to make purchases at a very low figure and in that way stifle competition. As the gentleman who advances this opinion is expecting to locate, by means of so-called "scrip," large areas of timber lands in northern Idaho in the interest of certain eastern capitalists, it is obvious that he himself, at least, stands in no great fear of the competition of those corporations. But the fear expressed in the article is chimerical. In reality, in such cases as this, the establishment of a forest reserve offers the fairest possible solution of the questions at issue. At present, since by far the greater part of the lands are unsurveyed, the timber can not be lawfully disposed of. Just as soon as a forest reserve is established the mature timber is for sale, and for sale to the settler, the miner, and the stockman, to individuals, companies, and corporations. It is for sale in small or large amounts. Moreover, the Government is at liberty to sell as much or as little as conditions may warrant, and at such a price as circumstances may call for. But it is for sale; it is not to be stolen, and this simple fact accounts for much of the hostility to our policy. No one can force the Government to sell a single stick of timber from a national forest reserve if by so doing the best interests of all the people would be injured. What better guaranty is possible against unjust competition?

Mr. President, I myself within the last five years have been over three mountains in Colorado and in California. They had been at no distant date heavily timbered to their tops. But when I rode over them they were as bare of a tree as the wall of this Senate Chamber, every stick of it having been cut off, every stick of it belonging to the Government, and every stick of it taken by some man or some company, upon the proceeds of which they became enormously wealthy, and for which the Government of the United States never got a dollar or a cent. I think it far better to preserve that forest, to sell off the down and the ripe timber, than to continue a policy that has devastated so much of the country as that policy devastated.

That was not all of that damage; for after those monarchs of the early western lumber camps had stripped the natural clothing from the mountains, and the rains descended, they swept off in torrential floods, filling the valleys and washing them out, whereas hereafter when retimbered the rain will go out gradually into the streams of the valleys.

Mr. ALDRICH. I should like to ask the Senator a question.

Mr. BEVERIDGE. Certainly.

Mr. ALDRICH. Do I understand the Senator to say that timber from an entire section, including three mountains, had been taken by somebody without authority of law?

Mr. BEVERIDGE. I say I myself have been over three mountains in Colorado and in California altogether, separate peaks. I have one of them in my mind quite as plainly as I see the Senator now, from which the timber had been stripped utterly, and I was informed—

Mr. ALDRICH. Without authority of law?

Mr. BEVERIDGE. The old stumpages looked as if it had been cut some years before. It was six years ago that I saw it. I was informed on authority sufficient for me to make the statement here that every stick of it had been taken without authority of law and that every stick of it actually belonged to the Government of the United States.

Mr. ALDRICH. That is a very singular condition of affairs to exist in any community.

Mr. BEVERIDGE. It is, and it did not exist in the com-

munity. It was partially to correct such things as this that the forest-reserve system was established, and the result of the destruction of the forest-reserve system will be to restore such a condition.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Montana?

Mr. BEVERIDGE. Certainly.

Mr. CARTER. I think I can throw some light on the legality of the proceedings referred to. More than twenty years ago Congress passed a law, which remains on the statute books to this day, authorizing the cutting of timber upon mineral lands of the United States for mining and milling purposes. No doubt the mountain peaks referred to by the Senator from Indiana are classified as mineral lands, and, no doubt, further, the timber was cut for mining and milling purposes. The peaks have not been named nor have they been closely identified, but I venture the assertion that they are in a mineral belt and classified as mineral lands and lands of no value for any other purpose.

Mr. BEVERIDGE. I think quite likely they are in the mineral belt, especially two of them. I have no doubt that it may have been under color of that that it was done. I know that the act of June 3, 1878, to which the Senator refers, has been used as a cloak for denuding nonmineral lands of the United States, and I have in mind a decision from the Senator's own State (Lynch v. United States, 138 Fed. Rep., 535) where damages were recovered by the Government because of such a fraud. The State referred to is no exception. The mineral land laws are, themselves, made the means of defrauding the United States of its timbered and nonmineral lands, and I am informed that at this time an association of sixteen persons, controlled by one of its members, is asserting a claim under such laws for approximately 250,000 acres of heavily timbered land in the State of California under the guise of compliance with the mineral land laws and that no mines exist upon such lands. Government geologists have examined a large part of this land and the investigation is being continued at great expense. California does not present an exception to conditions existing in other States. Numerous frauds of similar character explain the disappearance of timber from the Government's lands. I do not know whether those lands which I saw had been cut over as mineral lands, but one thing I do know—there were not any mines near them and not any mills near them, nor the remains of any. As a matter of fact, we know that before the establishment of this Service what very naturally occurs, because human beings are the same every place and at all times, did occur, and shamefully occur, and not only in the far West, but as the Senator from Wisconsin said, in his own State. I refer to what I saw myself in his own State, which he will confirm—a thing that shocked me and every other man who learns about it.

I spent many weeks in the very heart of what was once a State reserve—there is not much of it left now—and I was informed by those on the ground who knew, that after the great lumber companies had stripped the State as the Senator from Wisconsin described, and in the manner he described, and had run out of forests upon which to pursue their further slaughter, they went to the legislature (this was many years ago) and by some means or other the legislature repealed the law creating that reserve, and the magnificent forest reserve, though it was conserving the water sources that supply Wisconsin on both sides of the water divide, will within a year or two see the last of its existence.

Mr. President, it has been stated several times that this policy was preventing the settlement of these lands and the development of these States by homesteaders. A rather pathetic and vivid picture was drawn by the Senator from Idaho [Mr. HEYBURN] of the prairie schooners, the white-covered wagons, sweeping through in great trains, finding nowhere to deposit emigrants that they might build homes.

ALL AGRICULTURAL LAND OPEN TO SETTLEMENT.

The truth is, Mr. President, that there is not a foot of these forest reserves that are fit for agriculture that are not open to entry under the act of June 11, 1906. There is not a bit of mineral land that is not subject to entry under the proper law. Where minerals exist and where the land is suitable for agriculture it is open to entry; but it can not be entered for the purpose of taking off wood and stone and mineral except by mining.

Now, to show the extent of this "flood of immigration," I have here an official list of all the applications for homesteads that have been made in these various States. It shows the great "tide," the mighty "inundation" of human beings that has been kept off the forest reserves in Idaho. Under the act of June 11,

1906, the number is exactly 180 for all of Idaho, and the applications for entries in the Shoshone Reserve reach the magnificent total of 4. The total number of applications in those forest reserves of the entire State of Idaho is only 180. That is how many people have been made "homeless" by preserving the forests. In one reserve there were only four applications, and those, Mr. President, are being examined as to whether, first, they are really agricultural lands, and to know, second, whether or not the entries are genuine.

Applications under the act of June 11, 1906.

Arizona	221
California	100
Colorado	200
Idaho	180
Montana	299
Nevada	21
New Mexico	294
Oklahoma	70
Oregon	298
South Dakota	303
Utah	53
Washington	454
Wyoming	132
Florida	1
Total	2,626

Now, Mr. President, I wish it was earlier in the day, because I have here, and if it becomes necessary hereafter I will exhibit to the Senate, a very thorough book of photographs, showing what kind of land these reserves cover, showing the barren land, the partly barren land, the woodland, and generally the tremendously mountainous character of the country. There are perhaps more than a score, perhaps two score, of these photographs, so that Senators can see by the testimony of the photographic lens, which falsifies not, just what kind of land the settlers are being kept off of, even if they were being kept off at all.

Mr. PROCTOR rose.

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Vermont?

Mr. BEVERIDGE. I yield.

Mr. PROCTOR. No; I will wait until the Senator gets through.

Mr. BEVERIDGE. I will say to the Senator that I will get through when I have completed the examination of the subject in hand.

Mr. PROCTOR. I understand.

Mr. BEVERIDGE. I will say to the Senator, further, that days have been taken here with an attack upon the general policy, and very little time has been taken up by those who have studied it, in an attempt to lay before the Senate and the country the real conditions of things. I shall be through in a few minutes.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. I do.

Mr. GALLINGER. I thank the Senator for his courtesy. I rose simply to say that the chairman of the committee has suggested to me that he is going to ask for an evening session to further discuss this amendment and the Appalachian and White Mountain amendment. I wish now to enter a protest against any special consideration of the Appalachian and White Mountain amendment at the evening session. I shall not be able to be here, and I have been waiting all day to reach it. I have been waiting for three days to reach that amendment. I hope the Senator will not include it in his request. If he wishes an evening session to further discuss this amendment, which I understand is going out on a point of order and has been discussed for three or four days, I have no objection; but I think he ought not to compel those of us who have been patiently waiting here to discuss a question which is of great interest to a large number of States of the American Union to have it discussed when there are simply a handful of Senators present at an evening session.

Mr. ALDRICH. I hope—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. BEVERIDGE. I yield.

Mr. ALDRICH. I hope there will be no limitation upon what shall be done at the evening session. I hope we shall simply take a recess for the purpose of finishing this bill. The discussion has gone on for four or five days upon a matter which everybody in this Chamber understands will go out immediately upon a point of order.

Mr. BEVERIDGE. Not the appropriation. I am not talking about the thing that will go out on a point of order, I will say to the Senator from Rhode Island.

Mr. ALDRICH. The chairman of the committee has already notified the Senate that there is no special objection to the amendment. So we are discussing things that are practically agreed upon already. I hope we will be able to close that discussion in a reasonable length of time. In any event, I hope there will be no limitation upon what shall be done this evening. I hope that simply a recess will be taken, with a view of concluding the consideration of this bill.

Mr. BEVERIDGE. The bill can not be concluded this evening unless a quorum of the Senate is present.

Mr. GALLINGER. Will the Senator permit me?

Mr. ALDRICH. I trust there will be a quorum present.

Mr. GALLINGER. I was going to state, in the way of reply to what the Senator said, that there can be no forcing process at the evening session unless there is a quorum here.

Mr. ALDRICH. There can be no forcing process of any kind in the Senate, so far as I know. We are not obliged to listen to gentlemen if we do not want to do so; and if there is a quorum here to do whatever business is to be done, that is all any of us have a right to expect.

Mr. GALLINGER. That is all. The Senator does not expect that there will be a quorum?

Mr. ALDRICH. I think there will be a quorum.

Mr. PROCTOR. Will the Senator from Indiana allow me?

Mr. BEVERIDGE. I yield to the Senator from Vermont.

Mr. PROCTOR. I ask unanimous consent that at 6 o'clock the Senate shall take a recess until 8.15, the evening to be devoted to the further discussion of the grazing amendment and this pending amendment, unless we can reach a vote before 6 upon it.

In regard to the Appalachian amendment, there are some Senators who are willing to speak upon it this evening, and I suppose, although the Senator from New Hampshire may not wish to speak this evening, he will have an opportunity to do so. The request I make will be with the understanding that the evening is to be for discussion and that no vote will be taken.

Mr. ALDRICH. I think that is a mistake. It seems to me so. I see no reason for having an evening session unless we are going to go on with the real consideration of this bill.

Mr. KEAN. I will say to the Senator from Vermont that the Senator from West Virginia [Mr. SCOTT], who to-day reported the Military Academy appropriation bill, gave notice that he would try to call it up this evening. I do not think he ought to be precluded from doing that.

Mr. LODGE rose.

Mr. BEVERIDGE. I do not yield the floor, and I decline to yield further until I have concluded my remarks.

The VICE-PRESIDENT. The Senator from Indiana has the floor.

Mr. PROCTOR. I do not understand—

The VICE-PRESIDENT. Does the Senator from Indiana yield further to the Senator from Vermont?

Mr. BEVERIDGE. For what purpose?

Mr. PROCTOR. I do not understand that there is any objection to the amendment that is being discussed.

Mr. BEVERIDGE. I understand that also. I understand it as thoroughly as the Senator from Vermont understands it. I am speaking precisely to that, and I understand why I am speaking precisely to that. I wish to say further that it will not avail to in any wise attempt to prevent a presentation at this conclusion, immediately before we vote on the whole forest subject, because it is important that not only the Senate but the country should get this whole business before it. It will not avail anything. I understand perfectly well what is before the Senate. I understand perfectly well that we are agreed, and I am glad that this discussion has brought on an agreement. I intend to finish my remarks.

Mr. PROCTOR. With reference to what the Senator from Rhode Island [Mr. ALDRICH] and the Senator from New Jersey [Mr. KEAN] have said, I am just as anxious as they are to go on this evening, and I should like to have it understood that we meet at 8.15 and remain in session until the bill is completed and passed, but I did not suppose that I could get that agreement.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Massachusetts?

Mr. BEVERIDGE. I do; yes.

Mr. LODGE. Mr. President, I hope we shall simply take a recess until 8.15. We can not make any arrangement, under our rules, to close debate out in a specified time, or to say when a vote on an amendment shall be taken, but it is very important in the present condition of public business that we shall press forward as much as we can to a conclusion. I think we ought to go on with this bill to-night and try to finish it and get it out of the way. A week from Monday Congress adjourns by law,

and there are a great many important matters that are pressing for consideration. Therefore we ought to occupy all the time in trying to get legislation advanced, and I hope that we shall simply agree for a recess until 8.15, to go on with the business of the Senate, whatever it may be.

Mr. BEVERIDGE. I decline to yield further. Senators can conduct this interesting conversation after I get through my remarks, which will not be long; that is, after the Senator from Massachusetts gets through, for I do not desire to interfere with the Senator.

The VICE-PRESIDENT. The Senator from Indiana declines to yield.

Mr. LODGE. I only wanted to get an agreement for a recess. The Senator, of course, can hold the floor and prevent that.

Mr. BEVERIDGE. I will say that I would have concluded by now if I had not been interrupted.

Mr. PROCTOR. At the conclusion of the Senator's remarks I will ask that the Chair state the request for an agreement, and I also ask that the pending amendment be passed over until we can close some committee amendments that will lead to no discussion. I want to get them out of the way.

JUSTICE OF CHARGE FOR WATER CONSERVATION.

Mr. BEVERIDGE. Now, Mr. President, there is just one further point that I want to make as to this forest reserve, and I make it in order that I may sum up in a compact fashion what would be the result if the Forest Service were destroyed, or even impaired, and I am sure that nobody really wants that to be done. But the discussion has taken a scope and there has been a great deal said and a great deal of instantaneous and uninformed alarm—I have observed that Senators come into the Chamber sometimes when a subject is being discussed, and it takes on to them a formidable aspect merely because they have not been informed. So Senators were alarmed the other day when it was stated that this Forest Service controlled the distribution of water after it left the reserve.

Of course, we all know now that it does nothing of the kind. But here is what does occur, Mr. President, and this is what the Department was criticised for: The great water companies want to take water located within these forest reserves. They come into the Government forest land and get the exclusive use of the ground through which they run their pipes to their water, and they have that use. The Government charges them for that. Mr. President, what is the basis of that charge? Not only the exclusive use of the land for their pipes, but this:

The Government does not propose to charge for the water used. That is granted directly by the State. It charges only for the resources, opportunities, and services which it furnishes to the power company. These are of a twofold nature: First, the great storage reservoir formed by the maintenance of the forest cover which holds back the water so that it will flow during the dry season. Without this sponge reservoir the companies must spend millions in the construction of dams. Second, the Government furnishes in that part of the forest reserve traversed by the company's water conduits a fall, without which the water granted by the State and conserved by the forest reserve could not produce electrical energy. The Government proposes to charge for this conservation and this fall such reasonable amount only as can not make the prudent business man hesitate about carrying out his proposed water-power project.

These water companies now want these Government services for nothing? When that statement was made here the other day the Senator from California [Mr. PERKINS], who is sitting on my left, said, "If that is done—these charges now made by the Department abolished—it will create one of the most enormous monopolies in all the West." No Senator on this floor more than another would want any great interest to be benefited that ought not to be.

RESULTS THAT WOULD FOLLOW ABANDONMENT OF RESERVES.

The result of destroying the forest-reserve system or of impairing it would be to benefit temporarily just three classes of men.

The first are the water companies last named, who, instead of paying for the privilege of taking over the forest lands and the waters which the Forest Service conserves, want it exclusively for nothing. Their benefit would last just so long as it would take for the effects of forest destruction to become operative upon the flow of their dwindling streams.

The second class of men who would be benefited would be the sheep men and the cattlemen, who heretofore have fattened their flocks and their herds upon Government land and given the Government no pay for it. Yet progressive deterioration of the range under unrestricted competition would soon work to their loss.

The third would be the great timber firms which character-

ized a former but recent period of our history in the West and Northwest and in the northern portion of our country, who cut off the magnificent forests, the proceeds of which to-day constitute some of the greatest fortunes of the country, and who, if this Service, which prevents the ravaging of the Nation's forests, is destroyed or is impaired, would do exactly the same thing, to the ultimate ruin of their own industry.

Mr. President, there is the net result of either the destruction or the impairment of the Forest Service.

Mr. President, I think that we have gone pretty thoroughly into this thing. I have tried to do it briefly, and still I have tried not to forget anything. I have here some other data which I shall ask the permission of the Senate to insert in my remarks without reading.

The VICE-PRESIDENT. Without objection, permission to do so is granted.

The matter referred to is as follows:

The administrative policy under which the forest reserves are managed was laid down by the Secretary of Agriculture in his letter to the Forester dated February 1, 1905:

In the administration of the forest reserves it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people, and not for the temporary benefit of individuals or companies. All the resources of forest reserves are for use, and this use must be brought about in a thoroughly prompt and businesslike manner, under such restrictions only as will insure the permanence of these resources. The vital importance of forest reserves to the great industries of the Western States will be largely increased in the near future by the continued steady advance in settlement and development. The permanence of the resources of the reserves is therefore indispensable to continued prosperity, and the policy of this Department for their protection and use will invariably be guided by this fact, always bearing in mind that the conservative use of these resources in no way conflicts with their permanent value.

You will see to it that the water, wood, and forage of the reserves are conserved and wisely used for the benefit of the home builder first of all, upon whom depends the best permanent use of lands and resources alike. The continued prosperity of the agricultural, lumbering, mining, and live-stock interests is directly dependent upon a permanent and accessible supply of water, wood, and forage, as well as upon the present and future use of these resources under businesslike regulations, enforced with promptness, effectiveness, and common sense. In the management of each reserve local questions will be decided upon local grounds; the dominant industry will be considered first, but with as little restriction to minor industries as may be possible; sudden changes in industrial conditions will be avoided by gradual adjustment after due notice, and where conflicting interests must be reconciled the question will always be decided from the standpoint of the greatest good of the greatest number in the long run.

Mr. BEVERIDGE. Mr. President, I do not know that I should have gone so much into the discussion—but I am glad I have gone into it—if it had not been for the original question of the character of the services rendered by that remarkable public servant, the Chief Forester of the United States, who I have known intimately since I was chairman of the Forestry Committee of the Senate years ago, and whose work I have observed with increasing wonder and admiration—a man who never spares himself mental or physical fatigue. Mr. President, when that man shall have completed his work on earth his monument will be no shaft of stone or image of brass. No! it will be the great and splendid forest reserves re clothed with nature's garment. It will be mighty mountain peaks now bare, then covered with the noble woods Nature once put there and which he has restored. It will be the streams now dry, running bank full for the welfare of the people. It will be human welfare and human happiness.

Mr. PROCTOR. I ask that the pending amendment be temporarily laid aside, and I would ask the attention—

Mr. BEVERIDGE. May I suggest to the Senator, why not vote on the amendment?

Mr. PROCTOR. It is impossible. I would ask attention to the amendment of the committee at the top of page 47. As I understand, the proposed amendment, beginning at line 25, on page 46, has been agreed to, and I suggested a modification of the amendment on page 47. I wish to withdraw that suggestion and let the amendment stand as it is in print, with the exception of striking out the word "December," in line 7, and inserting the word "March."

The VICE-PRESIDENT. The Senator from Vermont proposes an amendment to the amendment of the committee, which will be stated by the Secretary.

The SECRETARY. On page 46, line 25, after the word "Provided," the committee propose to strike out all down to and including the words "municipal government," in line 3, page 47, and to insert: "That any part of this sum used for compensation of or payment of expenses to any officer or other person employed by any State, county, or municipal government shall be reported to Congress in detail on the first Monday of December, 1908."

It is now proposed to strike out the word "December," in line 7 of the amendment, and to insert the word "March."

The VICE-PRESIDENT. Without objection, the amendment

to the amendment is agreed to, and the amendment as amended is agreed to.

Mr. KEAN. I ask the Senator what became of the amendment on pages 44 and 45?

Mr. PROCTOR. We will reach that in a moment. To the amendment on page 44, so far as I know, there is no objection.

Mr. ALDRICH. Is that a part of the present law?

Mr. PROCTOR. That is exactly the present law.

The VICE-PRESIDENT. The question is on agreeing to the amendment on page 44, line 13, after the word "foods."

The amendment was agreed to.

Mr. PROCTOR. Mr. President, I am aware that the amendment on page 45 is subject to a point of order.

Mr. KEAN. I propose to make the point of order.

Mr. PROCTOR. And I think the point of order will be sustained. I asked yesterday to modify that amendment by striking out the last five words, "and to establish standards therefor," hoping it might leave the amendment not subject to the point of order; but, as I am satisfied that the modification makes no difference, I should like to withdraw the modification and let the amendment stand as originally reported. I do so for this reason, that, as it makes no difference in the result, I should like to have printed two or three articles that refer to this question of standards, and the reply of Doctor Wiley to some questions I put to him in writing, asking for a little explanation of what standards meant. I merely ask that so that if the matter should ever come up again we shall be able to have access to it. If that can be assented to, I will ask somebody disinterested to kindly raise the point of order.

Mr. LODGE. I make the point of order.

Mr. McCUMBER. Before the Chair rules on that point of order I should like to know on what it is based?

Mr. LODGE. The point of order is that it is obviously general legislation.

Mr. McCUMBER. I will ask the Senator if it is not exactly the legislation that is now existing law under the last agricultural appropriation bill?

Mr. LODGE. No, Mr. President.

Mr. McCUMBER. In what respect has the law been changed which in every appropriation bill heretofore has allowed the Secretary of Agriculture to fix standards?

Mr. LODGE. It went out of the last appropriation bill.

Mr. GALLINGER. It went out last year on a point of order.

Mr. McCUMBER. If it went out last year, that may change its status.

The VICE-PRESIDENT. The Chair sustains the point of order. The amendment clearly proposes general legislation.

Mr. PROCTOR. Now, Mr. President, I ask to have printed in a document, rather in the RECORD, some reports from the State officials. Some of them were made at a hearing of the Committee on Interstate and Foreign Commerce, and some of them have appeared recently in official reports that have not been printed.

The VICE-PRESIDENT. Without objection, the reports referred to by the Senator from Vermont will be printed as a public document.

Mr. SPOONER. I should like to inquire what has become of the amendment on page 47?

The VICE-PRESIDENT. The amendment to the amendment was agreed to and the amendment as amended was agreed to.

Mr. SPOONER. That will be open to amendment and discussion when the bill gets into the Senate.

The VICE-PRESIDENT. It will be open when the bill reaches the Senate.

Mr. ALDRICH. I suggest to the chairman of the committee that we might dispose of the amendment on page 71, line 7.

Mr. BEVERIDGE. With the Senator's permission, may I ask whether any agreement has yet been reached as to what we are going to do to-night?

Mr. ALDRICH. Not yet.

Mr. BEVERIDGE. I suggest to the Senator he was rather anxious a moment ago to reach such an agreement.

Mr. ALDRICH. I should like to have the chairman suggest that we take a recess from 6 o'clock to a quarter past 8 to proceed to the consideration of public business.

Mr. PROCTOR. I had proposed to do that in some form. I thought that perhaps at 6 o'clock I would move to take a recess.

Mr. HEYBURN. I should like—

Mr. BEVERIDGE. Make the motion now.

The VICE-PRESIDENT. The Chair would suggest to Senators that it is difficult to keep the run of the proceedings if Senators occupy the floor. The Chair will recognize Senators each in turn. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. HEYBURN. I want to inquire in regard to an amendment on page 47.

Mr. PROCTOR. I yield to the Senator.

Mr. HEYBURN. Mr. President, I understood amid some confusion that the amendment on page 47, commencing in line 3, down to and including line 7, was passed over.

Mr. LODGE. No.

Mr. HEYBURN. I desire to raise the point of order to that amendment. I will state, with the permission of the Senate, that that amendment is obnoxious to the laws of many States, my own included. Our State officials could not receive any compensation from the Government for their cooperation. They cooperate without any compensation. I raise the point of order against the amendment.

The VICE-PRESIDENT. The amendment has been agreed to, and it would require a vote of the Senate to reconsider it.

Mr. LODGE. Mr. President, I preferred very much the retention of the House provision, but I agreed, with some reluctance, to the compromise that has been made in order to save time. There is no question that the House provision is of such a nature that striking it out is in order.

Mr. HEYBURN. I insist on my point of order—

Mr. LODGE. I looked into that, and hoped the point of order would lie.

The VICE-PRESIDENT. It certainly does not lie in the present parliamentary stage of the amendment, it having been agreed to by the Senate.

Mr. ALDRICH. The Senator can make the point of order in the Senate.

Mr. HEYBURN. I make it now. My point of order is not to the House provision, but to the Senate amendment.

The VICE-PRESIDENT. That amendment has been agreed to.

Mr. HEYBURN. I raise the point of order against it.

The VICE-PRESIDENT. The point of order can be raised in the Senate.

Mr. KEAN. The Senator can raise the point of order in the Senate.

Mr. HEYBURN. The confusion was such—

The VICE-PRESIDENT. The amendment will be open to a point of order when the bill reaches the Senate, and the amendment will be reserved, so that the Senator may interpose his point of order.

Mr. PROCTOR. Mr. President, in connection with this matter I ask to have inserted in the RECORD, without reading, a letter from the Secretary of Agriculture.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

The letter referred to is as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, February 22, 1907.

HON. REDFIELD PROCTOR,
United States Senate.

DEAR SIR: In answer to your inquiry concerning the desirability of retaining the present Senate amendment permitting cooperation with the State authorities, I have to say:

There will doubtless be many cases where State officers will secure samples of goods manufactured without the State and transported in interstate commerce in violation of the food and drugs act. It is highly desirable from an administrative and economic point of view that this Department should be able to pay these State officers for continuing the examination of these food products instead of being forced to bring a Department official into each such case, for the reason that such Department official would not have the necessary collateral information regarding the particular case which is possessed by the State official.

If this Department were required to begin anew the investigation, all the expenses of inspection, analysis, etc., would have to be repeated at a very much larger cost than would possibly be the case if we can have the cooperation of the State authorities.

Another point in which great good would come in economy and efficiency would be the opportunities of employing experts in the States to do special work coming under their immediate supervision and avoiding the necessity of sending a special agent or inspector of customs to do the same work.

These are instances of the ways in which economy and efficiency would be promoted by proper cooperation between the State and national authorities.

I am, sir, your obedient servant,

JAMES WILSON, Secretary.

Mr. ALDRICH. I suggest to the chairman of the committee that the amendment on page 71, commencing in line 7, be taken up and disposed of.

Mr. BEVERIDGE and Mr. SPOONER. What amendment is that?

Mr. ALDRICH. The amendment on page 71, commencing in line 7.

Mr. CARTER. Before that is disposed of I think some Senators desire to submit a few observations. [Laughter.]

Mr. ALDRICH. I suppose the observations can just as well be made after it has been disposed of. I make a point of or-

der against the amendment that it is general legislation. I think we might as well have that decided now.

The VICE-PRESIDENT. The Senator from Rhode Island raises a point of order. What is the point of order?

Mr. BEVERIDGE. We have not reached the amendment yet.

Mr. ALDRICH. We reached it and passed it over.

Mr. KEAN. We have passed through the whole bill.

The VICE-PRESIDENT. The Senator from Rhode Island will state his point of order.

Mr. ALDRICH. It is that the amendment commencing in line 7, page 71, is general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment to which the point of order is addressed is clearly in the nature of general legislation, and he therefore sustains the point of order.

Mr. McCUMBER. When the point of order was made as to the amendment on page 45, I asked a question of Senators generally as to whether that was not in fact the same as the law of last year. It was immediately answered in the negative; it was stated that it was not the existing law, and not in the appropriation bill of last year. I have here the law of last year, on page 19 of the pamphlet copy of the appropriations act. It reads as follows:

To enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein. To investigate, in collaboration with the Bureau of Animal Industry, the chemistry of dairy products and of adulterants used therein, and of the adulterated products, etc.

I do not say that differs materially.

Mr. LODGE. It contains the essential phrase "to establish standards therefor."

Mr. McCUMBER. But we have in here, I think, a provision for establishing a standard.

Mr. GALLINGER. We never have had such a provision.

Mr. ALDRICH. If it was in the law of last year, it was clearly legislation and would have then been subject to a point of order.

Mr. HANSBROUGH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from North Dakota?

Mr. PROCTOR. Yes.

Mr. HANSBROUGH. The proposition of the Senator to strike out the last five words of that committee amendment—

Mr. ALDRICH. It is too late.

Mr. LODGE. That is withdrawn.

Mr. HANSBROUGH. Should be insisted upon and that would leave the provision, if it is adopted, precisely as the law stands now—

Mr. LODGE. The point of order was made, and the amendment was ruled out by the Chair.

Mr. HANSBROUGH. And I suggest that that be done when the amendment is reached in the Senate.

Mr. PROCTOR. If Senators will allow me, I will try to make myself understood. I satisfied myself fully that with these five words stricken out the amendment was still subject to a point of order, and that the modification did not help us any. If the Senator from North Dakota [Mr. McCUMBER] had been correct, and if I had not satisfied myself fully that the remaining part of the amendment was just as much subject to a point of order, I should have insisted upon striking out those words; but, as it made no difference, I moved to restore them merely for the sake of submitting some documents, possibly for future use, in regard to the matter. I can say that I do not believe, Mr. President, the question of standards will ever come up again. I think the pure-food law will be administered in a way that will answer every purpose that could be reached by the establishment of standards.

Mr. ALDRICH. I should like to ask the chairman of the committee whether there are any committee amendments which have not been acted upon and which have been passed over? I would suggest, if there are, that we take them up in order and dispose of them.

Mr. BEVERIDGE. Dispose of what?

Mr. ALDRICH. Any amendments not disposed of.

Mr. PROCTOR. The committee amendment that was under discussion, adding \$1,000,000 to the appropriation for the general expenses of the Department of Agriculture, was passed over, and I am now ready—

Mr. SPOONER. I desire, if I may be permitted, to ask a question.

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Wisconsin?

Mr. PROCTOR. Certainly.

Mr. SPOONER. The pure-food law, as I understand, gave to the Secretary of Agriculture, in collaboration with such chemists and other experts as he deemed necessary to employ, the power, and made it his duty, to ascertain the purity of food products and to determine what should be regarded as adulterations, I think. Am I wrong about that?

Mr. McCUMBER. The Senator is right about it.

Mr. SPOONER. My inquiry is this: How many different acts are required at the same time to vest in a Department officer the same power?

Mr. PROCTOR. The pure-food law specifies no machinery or method. It leaves with the Secretary the right to establish rules and regulations, and I think probably the object might be reached under that general provision. It is not specific at all. I think myself it would have been wise to leave in this provision on page 45, but it was clearly subject to the point of order, and I had the best authority for saying it would be so held.

Mr. SPOONER. I think it is very important to the pure-food law that the power to establish standards be in it, if it is not. I should like to ask the Senator who had charge of the pure-food bill whether it contains a provision authorizing the establishment of standards?

Mr. HEYBURN. It specifically did not. One of the most prolonged controversies that we had was related to it, and the Senate decided that there should be no standards established and was successful in keeping that provision out of the law as enacted.

Mr. SPOONER. I think the last observations I had the honor to address to the Senate on the pure-food law were in support of a proposition that without power to establish standards or without fixing standards in the act it would be very, very difficult of enforcement in the courts.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. PROCTOR. Certainly.

Mr. HEYBURN. To reopen the discussion of that question would result in somewhat prolonged debate, as it did on that occasion.

Mr. SPOONER. This amendment was intended to supply that?

Mr. HEYBURN. It was intended to do what the Senate refused to do in enacting that law.

Mr. SPOONER. Yes. Does the Senator regard it as important?

Mr. HEYBURN. I regard it as very important, because in the pure-food law we defined what should constitute adulteration and left it to the courts, where it belongs, to say whether or not the facts of each particular case brought it within the rule.

Mr. SPOONER. Not to the courts, but to the jury.

Mr. HEYBURN. The jury is a part of the court.

Mr. SPOONER. In a sense, and yet it has been decided that that is not a standard which can be administered by the court.

Mr. HEYBURN. I should like to say, if the Senator will permit me, that the pure-food law was framed upon the idea that by defining what should constitute adulteration the courts would be able to apply that rule which we established specifically to the facts in each particular case, and we thought that the safer rule.

Mr. SPOONER. I think there is no rule at all. I am glad to know it was considered of some consequence in the pure-food law that the power to establish standards be given; and I think it is. I think it ought to be adopted if the Senate is in favor of that law.

Mr. ALDRICH. I suggest, as a matter of procedure, that we commence at the beginning of the bill and act upon such committee amendments as have not already been acted upon.

Mr. PROCTOR. Directly. I wish to say, in connection with what the Senator from Wisconsin has said, that I was just as earnest as he could be to try to retain this clause as to standards, but when I became satisfied that the point of order would lie against the amendment with that clause in, and equally against it with that clause out, I concluded to make no further contest upon it. I will say that the liquor interest has been especially active against it. They have had their lobby and lawyers here this winter, and some of their publications—and I shall ask consent to have two extracts printed in the RECORD—especially Mida's Criterion and Journal, of Chicago, had articles upon the necessity of opposing that very amendment.

The matter referred to is as follows:

In Mida's Criterion and Journal, devoted to the wholesale liquor and wine interests, at Chicago, issue of February 16, 1907, on page 31, is the following:

"The agricultural appropriation bill as prepared this year contained the usual provision for the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists and such other experts as he might deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein and to establish standards therefor. When this provision was reached in considering the bill, however, on January 29, Congressman BARTLETT, of Georgia, and Congressman CRUMPACKER, of Indiana, each raised the point of order that there is no law to authorize the Secretary of Agriculture to establish a standard, and the provision was therefore stricken out of the bill.

"Unless the item is restored in the Senate by legerdemain on the part of lobbyists and then agreed to by the House, the authority of the Secretary of Agriculture to fix standards is terminated, and no standards of any kind can be fixed by him."

The Grocery World, of Philadelphia, in its issue for February 18, 1907, has an article with headlines as follows:

"Extract manufacturers are fighting power to fix standards. Get clause stricken out of appropriation bill which gives Secretary of Agriculture right to fix standards of purity. Doctor Stearns, well-known chemist and agent of the American Extract Manufacturers' Association, says standards already promulgated have no validity."

The article goes on to say:

"Under the rules of the national House of Representatives such a clause as this can be stricken out of the appropriation bill on a point of order. Doctor Stearns had the point of order made and the clause dropped out."

Mr. SPOONER. I care nothing about it, except for one thing. I endeavored, as did other Senators—notably the Senator from Connecticut, Mr. Platt, who is now dead—to perfect by various suggestions the pure-food law. I endeavored to do so because I thought it was vital to that law that some standard be fixed by the law itself or provided for in order to make it of efficacy. I was advertised throughout the nation as an enemy, opponent, industrious and infamous, of the pure-food law; and I am not surprised, having read to the Senate the decision which I did just before the bill passed the Senate, that it has been thought necessary, which I believe it is, that the power to establish standards be included in the law.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Massachusetts?

Mr. PROCTOR. Certainly.

Mr. LODGE. Mr. President, as I was one of the Senators who made the point of order, I wish to say a word. I was heartily in favor of the pure-food law, but this is an attempt in this amendment to establish a maker of standards. That is an enormous power to put in the hands of one man.

Mr. SPOONER. The whole thing is an enormous power.

Mr. LODGE. Well, I know it is, Mr. President. It is an enormous power. If we are going to give a governmental board the power to establish standards, we ought to do it by very careful legislation and not by a paragraph in an appropriation bill in the last days of a short session. It is one of the greatest powers that can be conferred. It affects hundreds and thousands of people and industries throughout the country. That there ought to be a bureau of standards I have no doubt; but I think it ought to be done by a well-considered piece of legislation and not by a loose paragraph in an appropriation bill which puts the power to make the standards in the hands of one man.

Mr. PROCTOR. I beg the Senator's pardon. I do not think it places it in the hands of one man by any means.

Mr. SPOONER. It does not.

Mr. LODGE. It places it in the hands of one man.

Mr. PROCTOR. Allow me to finish a sentence. A board was established, with Mr. Freer, of the University of Pennsylvania, at the head of it, and that board, composed of very able chemists, established the standards. Those standards have no force whatever only as definitions and as being advisory. They have no force in court. No complaints can be made on them—

Mr. ALDRICH. I must appeal to the Senator from Vermont and all other Senators, if they expect to pass this bill, not to discuss matters which are not before the Senate and can not be before the Senate in any form. If we expect to pass this bill, let us go ahead and decide the questions which are now pending.

Mr. LODGE. I had no desire to discuss the pure-food law or this amendment, but the discussion had been opened, and as I was one of those who made the point of order I did not desire to be put in any false position in regard to it. The clause here provides for the collaboration of a committee of the association of chemists. They have no authority. The power is given to the Secretary of Agriculture to determine the standards. They are simply put in as an advisory board, and I think before we pass legislation of that sort we ought to consider it very carefully. It ought to go to the appropriate committee and be reported here on a well-considered scheme.

Mr. McCUMBER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from North Dakota?

Mr. PROCTOR. I do.

Mr. McCUMBER. I want to explain simply one thing about which there seems to be a misunderstanding with respect to these standards. There were but one or two standards fixed in the pure-food law itself, and those were the standards which were to determine the definitions of "adulteration" and "misbranding." It allowed everything to go into the market which would measure up to those definitions and everything was to be kept out of the market which did not measure up to those particular standards. Why was there no mention of any standard in the pure-food bill? For this reason: We already had upon the statute books a law which had been enacted year after year authorizing the Secretary of Agriculture to fix standards, and the Secretary of Agriculture had been fixing standards for years under that law, and we did not interfere with it in the pure-food law. But what were those standards? Not for the purpose of guiding the courts. That is what was sought to be interjected into the pure-food law—a standard which would control the court—and it was thought best not to allow the Secretary or anyone else to fix standards at the present time. But it has been the law for a good many years, until it was taken out, as it appears, last year, that the Secretary could fix standards which would guide him in determining first, what was adulteration, and secondly, what things could be considered as injurious to any food products and what was the highest standard of food products, simply for the information of the public. He has done that right along.

I do not know for how many years this appeared in the appropriation bill, but it appeared in it for a number of consecutive years, and no harm has followed it. No possible harm could follow if the Secretary was allowed to say to-day what, in his opinion, were the highest standards of any food products; and that authority ought to be granted him.

Mr. SPOONER. Certainly no harm followed it. It was advisory.

Mr. McCUMBER. That is all.

Mr. SPOONER. It did not make a rule the violation of which subjected a citizen to prosecution and punishment.

Mr. McCUMBER. No; and it could not now.

Mr. SPOONER. The pure-food act does.

Mr. McCUMBER. The pure-food act does not adopt any standard by the Secretary of Agriculture.

Mr. SPOONER. I say it does not, but it is full of penalties and provisions for prosecutions.

Mr. McCUMBER. Yes; but the penalties apply to the violation of the provisions contained in the law itself and the definitions, and not to any standards that may be fixed by the Secretary of Agriculture.

Mr. SPOONER. Does not that ex necessitate rei involve a standard?

Mr. McCUMBER. No. It involves no other standard than that fixed in the law itself, and whether we grant or withhold the right to fix a standard of purity by the Secretary of Agriculture would not affect the pure-food law one way or the other. The standards fixed by the Secretary of Agriculture, if this should become a law, would not be standards which would govern the courts in determining what are adulterations and what are misbrandings, because that is all that is legislated against.

Mr. SPOONER. I agree to that. Did not the pure-food bill, as it came from the House, contain a provision for standards?

Mr. McCUMBER. It did, and we struck them out.

Mr. PROCTOR. If anything could convince me that we ought to adopt standards, it would be the nature of the objections that were raised in committee. The representatives of blended whisky and neutral whisky were particularly active with a lawyer here. I had in two days from one Senator referred to me twenty-six letters from manufacturers of candy—those who used improper coloring matter—and I had a great many others, nearly fifty in all; but I considered the matter as disposed of by the point of order, and I did not wish to occupy any more time in regard to it. The discussion was started by somebody else.

I move that the Senate take a recess until 8.15 o'clock p. m., for the further consideration of this measure.

RECESS.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Vermont, that the Senate take a recess until 8.15 o'clock this evening.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate took a recess until 8.15 o'clock p. m.

EVENING SESSION.

At the expiration of the recess the Senate reassembled.

IMMIGRATION COMMISSION.

The VICE-PRESIDENT. Under the provisions of the immigration act approved February 20, 1907, the Chair appoints as the members on the part of the Senate of the commission created by that law the Senator from Vermont [Mr. DILLINGHAM], the Senator from Massachusetts [Mr. LODGE], and the Senator from Mississippi [Mr. McLAURIN].

DUTY ON SUGAR FROM THE PHILIPPINES.

Mr. CLARK of Wyoming. I present a memorial of the legislature of Wyoming, which I ask to have read and referred to the Committee on the Philippines.

The memorial was read, and referred to the Committee on the Philippines, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, STATE OF WYOMING, SS:

I, William R. Schnitzer, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with the original senate joint memorial No. 1, of the ninth State legislature of Wyoming, and is a full, true, and correct copy of same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 19th day of February, A. D. 1907.
[SEAL.] WM. R. SCHNITZER,
Secretary of State.

Senate joint memorial No. 1.

Memorial to the Senate and House of Representatives of the United States, Washington, D. C.

Be it resolved by the senate (the house of representatives concurring).

Whereas a bill is now pending in the Senate of the United States which proposes to allow the importation into the United States of the sugar of the Philippine Islands upon the payment of only 25 per cent of the regular duty on sugar, and for the importation into the United States of sugar from the Philippine Islands without the payment of any duty whatever after the 11th of April, 1909; and

Whereas the sugar of the Philippine Islands is now given entrance into our markets at a reduction of 25 per cent from the regular tariff rate, which reduction places them in fully as advantageous a position considering the differing conditions and cost of production as that enjoyed by the beet-sugar producers of the United States; and

Whereas the beet-sugar industry can not be sustained or carried on in free competition with the tropical cane-sugar countries, and the Philippine Islands are capable of producing an almost limitless amount of sugar; and

Whereas the beet sugar industry is an industry peculiarly adapted to the conditions of soil and climate existing throughout the arid West, and especially in the State of Wyoming, and the growth and development of the industry promises the establishment and maintenance of many populous and prosperous communities in our State, and the opening of almost limitless opportunities to the farmer and the homeseeker; and

Whereas the tariff policy of the Republican party is founded on the basic principle of fair and reasonable protection of all legitimate industries, the carrying out and maintenance of that policy demands protection for the West, as well as for those of the East: Therefore, be it

Resolved, That we are unalterably opposed to, and hereby express our condemnation of, any and all legislation proposing a further reduction of the tariff duty on Philippine sugar, or on sugar from any other part of the world, and that we deplore the continual agitation of proposed reductions in the tariff on sugar, all of which have a tendency to discourage and retard the development of the beet-sugar industry in our State and throughout the West.

Approved February 15, 1907.

INTERMARRIED WHITE CITIZENS OF CHEROKEE NATION.

Mr. CLARK of Wyoming. I present a memorial of intermarried white citizens of the Cherokee Nation; which I ask may be printed in the RECORD, printed as a document, and referred to the Committee on Indian Affairs.

The memorial was referred to the Committee on Indian Affairs, and ordered to be printed as a document and printed in the RECORD, as follows:

MEMORIAL OF THE INTERMARRIED WHITE CITIZENS OF THE CHEROKEE NATION.

Your memorialists respectfully represent:

That the Supreme Court of the United States in its decision of November 5, 1906, in the case of Daniel Red Bird, The Cherokee Nation, et al. v. The United States, held that—

The rights and privileges of those white citizens who intermarried with Cherokee citizens subsequent to the 1st day of November, 1875, do not extend to the right of soil or interest in any of the vested funds of the Cherokee Nation, and such intermarried persons are not entitled to share in the allotment of the lands or in the distribution of any of the funds belonging to said nation, and are not entitled to be enrolled for such purpose; that those white persons who intermarried with Delaware or Shawnee citizens of the Cherokee Nation, either prior or subsequent to November 1, 1875, and those who intermarried with Cherokees by blood and subsequently, being left a widow or widower, by the death of the Cherokee wife or husband, intermarried with persons not of Cherokee blood, and those white men who having married Cherokee women and subsequently abandoned their Cherokee wives have no part or share in the Cherokee property and are not entitled to participate in the allotment of the lands or in the distribution of the funds of the Cherokee Nation or people and are not entitled to be enrolled for such purpose.

Your memorialists further represent that there are on the approved rolls of the Cherokee Nation 35,949 citizens entitled to enrollment

under the act of July 1, 1902, and pending applications for 1,178, making a total of 37,127 persons who might be entitled to take allotments under the act of July 1, 1902.

That there would remain lands of the Cherokee Nation unallotted, after all of said persons had taken their allotments, sufficient to equal about 2,000 additional allotments.

That there are of the intermarried white persons affected by the decision of the Supreme Court, as above referred to, about 3,000 in number.

That said enrolled white persons desire to purchase allotments from the Cherokee Nation so as to include the lands on which they have erected or acquired improvements prior to the institution of the said suit in the Court of Claims above referred to.

That the business committee of the Delaware Indians, on the 21st day of December, 1906, sent a memorial to the President of the United States containing the following:

"And in addition to the above request, we most respectfully submit that as a result of a law and custom of our people forbidding the intermarriage of persons of the same clan (there being only three clans in our tribe) many of our people were required to intermarry with white people. These white people, husbands or wives of Delaware women or men, until the recent Supreme Court decision, supposed, and had a right to suppose, they had an allotment of land coming to them, on which they have placed, many times with the funds of Delaware Indians, valuable improvements. These white people have helped to rear and support many of our families and are now as endeared to us as our own people.

"Therefore we most respectfully request that some fair and reasonable legislation be enacted that will enable the said white people to purchase from the Cherokee Nation the allotments they had a right to expect. This, we think, would be fair and just and tend to the betterment of the peace and prosperity of our country."

Therefore William P. McClellan, representing the intermarried white citizens, does hereby petition the Congress of the United States that legislation be enacted that will give equitable relief to the said intermarried whites in so far as they may avail themselves of the same on or before four months from the date of the passage of this act, by paying into the Treasury of the United States, to the credit of the Cherokee Nation, the sum of \$650 for each allotment on which said intermarried whites have valuable improvements, provided, that this right shall be limited to the lands available for allotment after the 37,127 persons entitled to take allotments under the act of July 1, 1902, or as many thereof as are found entitled to allotments, have been provided for.

W. P. McCLELLAN,

Representing the Intermarried White Citizens
of the Cherokee Nation.

PRACTICE OF PHARMACY, ETC., IN THE DISTRICT.

Mr. GALLINGER. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 25475) to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, to report it favorably without amendment. It is important that it should be passed, and as it is a brief bill I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE AT FLORENCE, ARIZ.

Mr. KEAN. I am directed by the Committee on Territories, to whom was referred the bill (S. 8451) ratifying and confirming chapter 58 of the twenty-third legislative assembly of the Territory of Arizona, providing for repair of the Territorial bridge at Florence, Pinal County, Ariz., to report it favorably without amendment. It is a very brief bill, consisting of but a few lines, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. R. E. MILLER.

Mr. FULTON. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 4586) for the relief of Mrs. R. E. Miller, to report it favorably without amendment. As it is a short bill, I ask for its immediate consideration, and call the attention of the Senator from Texas [Mr. CULBERSON] to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Mrs. R. E. Miller \$400 to reimburse her for money paid by her to the Government in lieu of money belonging to the Government stolen from her possession, she being at the time of the theft an employee of the post-office at Dallas, Tex.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. GALLINGER introduced a bill (S. 8553) to amend an act approved March 19, 1906, entitled "An act to create a juvenile court in and for the District of Columbia;" which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

HOLDERS OF MEDALS OF HONOR.

Mr. WARREN. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 223) relating

to the holders of medals of honor. It is a short joint resolution.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that holders of medals of honor under the act approved July 12, 1862, and section 6 of the act approved March 3, 1863, shall not be required to surrender such medals in case such medals are replaced, in pursuance of the provisions of the act of Congress approved April 23, 1904; and that wherever the holders of such medals of honor have surrendered them, in order to receive the medals provided for by the act approved April 23, 1904, such medals shall be returned to them: *Provided*, That no recipient of both medals shall wear both medals at the same time.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. B. SUTTER.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill (H. R. 5169) for the relief of W. B. Sutter. It is a little matter, involving two hundred dollars or so, for a village postmaster.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Postmaster-General to allow on the accounts of W. B. Sutter, postmaster at Lindsey, Pa., a credit of \$218.19, for postage stamps and money stolen from that post-office by burglars March 15-16, 1898.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SCOTT. I move that the Senate proceed to the consideration of the bill (H. R. 24537) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

Mr. SCOTT. I ask that the first reading of the bill may be dispensed with, that it may be read for amendment, and that the committee amendments be first considered.

The VICE-PRESIDENT. The Senator from West Virginia asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, under the subhead "Permanent establishment," on page 2, after line 16, to strike out:

For pay of one instructor of ordnance and science of gunnery (major), in addition to pay as captain mounted, \$500.

And insert:

For pay of one professor of ordnance and science of gunnery (lieutenant-colonel), in addition to pay as major: *Provided*, That the position shall be filled by the detail of an officer of the Army, who, while so serving, shall have the title and status of other professors: *Provided further*, That the appropriation shall be immediately available, \$500.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to strike out:

That the Secretary of War may detail an officer of the Medical Corps of the Army to the Military Academy as professor of military hygiene.

And insert:

For pay of one professor of military hygiene (lieutenant-colonel), in addition to pay as major, \$500.

The amendment was agreed to.

The next amendment was, on page 3, line 9, before the word "mounted," to insert "not;" and in the same line, before the word "hundred," to strike out "five" and insert "seven;" so as to make the clause read:

For pay of one associate professor of mathematics (major), in addition to pay as captain not mounted, \$700.

The amendment was agreed to.

The next amendment was, on page 3, line 19, after the word "of," where it occurs the second time, to strike out "cavalry;" so as to make the clause read:

For pay of four senior assistant instructors of artillery and infantry tactics and ordnance and gunnery and practical engineering (captains), in addition to pay as first lieutenants not mounted, \$2,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to insert:

For pay of one constructing quartermaster in addition to pay as major, \$1,000.

The amendment was agreed to.

The next amendment was, on page 4, line 12, to increase the appropriation for additional pay of professors and officers (and officers in increased rank) for length of service from \$8,800 to \$9,800.

The amendment was agreed to.

The next amendment was, on page 4, line 15, to increase the total appropriation for extra pay of officers of Army on detached service at the Military Academy from \$25,400 to \$27,600.

The amendment was agreed to.

The next amendment was, on page 4, line 18, after the word "artillery," to strike out "detachment" and insert "detachments;" so as to make clause read:

For pay of the Military Academy band, field musicians, general Army service, cavalry and artillery detachments, and enlisted men on detached service, and extra pay for enlisted men on special duty.

The amendment was agreed to.

The next amendment was, on page 4, line 21, after the word "band," to strike out "one" and insert "One;" so as to make the clause read:

For pay of military band: One band sergeant and assistant leader, \$600.

The amendment was agreed to.

The next amendment was, on page 9, line 15, after the word "cents," to insert "each;" so as to make the clause read:

For extra pay of two enlisted men employed in the chemical department, at 50 cents each per day, \$313.

The amendment was agreed to.

The next amendment was, on page 16, after line 3, to insert:

For pay of one mechanic and attendant skilled in the operation necessary for the preparation of lectures and of material in the department of drawing, to be selected and appointed by the Superintendent, \$720.

The amendment was agreed to.

The next amendment was, on page 16, line 9, after the word "quarters," to insert "to be selected and appointed by the Superintendent;" so as to make the clause read:

For pay of janitor for bachelor officers' quarters, to be selected and appointed by the Superintendent, \$600.

The amendment was agreed to.

The next amendment was, on page 16, line 13, to reduce the appropriation for civilians employed at the Military Academy from \$62,340 to \$62,060.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous items and incidental expenses," on page 26, after line 13, to insert:

For maintaining the children's school, the Superintendent of the Military Academy being authorized to employ the necessary teachers, \$3,520.

The amendment was agreed to.

The next amendment was, at the top of page 27, to insert:

For expense of subsistence of cadets while attending the Jamestown Tercentennial Exposition, at the rate of \$1.50 per day for each cadet in attendance, \$6,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 27, line 6, to increase the total appropriation for miscellaneous items and incidental expenses from \$48,935 to \$58,455.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 29, line 7, to increase the appropriation for maintaining and improving the grounds of the post cemetery from \$1,000 to \$1,500.

The amendment was agreed to.

The next amendment was, on page 30, line 5, before the word "quarters," to strike out "frame," so as to make the clause read:

For one double set of quarters for civilian employees, to be built in the vicinity of the workshops and storehouses, \$6,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 2, to insert: For construction of typical fire-control stations, searchlight station, and telephone booths, and purchase of searchlight, \$12,960.

The amendment was agreed to.

The next amendment was, on page 31, after line 5, to insert: For the construction of emplacements for two 6-inch breech-loading rifles on disappearing carriages, \$7,000.

The amendment was agreed to.

The next amendment was, on page 31, line 10, to increase the total appropriation for buildings and grounds from \$1,236,025 to \$1,256,485.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I ask that House bill 24815, the agricultural appropriation bill, be now taken up.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908.

Mr. PROCTOR. Before the recess we were discussing the addition to the general expenses of the Forestry Service, the amendment on page 41. I hope the Senate is ready for a vote upon it.

The VICE-PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. On page 41, line 12, before the words "seven hundred," insert the words "one million."

The VICE-PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] The ayes seem to have it. The ayes have it; and the amendment is agreed to.

Mr. HEYBURN. I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

The amendment was agreed to.

Mr. HEYBURN. I will call for the yeas and nays on the amendment to-morrow.

The VICE-PRESIDENT. The Chair calls the attention of the Senator from Vermont to the fact that the vote by which the amendment on line 13, page 41, was agreed to was reconsidered, so that the question is on agreeing to the amendment of the committee, in line 13, to strike out the words "fifty-seven thousand three" and insert "fifty-six thousand eight."

The amendment was agreed to.

Mr. HEMENWAY. Mr. President, I rise to a parliamentary inquiry. How are we proceeding with the bill? Are we considering the amendments in their order, or are we just jumping around?

The VICE-PRESIDENT. The bill was read through for action on the committee amendments. In the course of the reading certain committee amendments were passed over by request. The Senate is now considering the amendments which were passed over.

Mr. HEMENWAY. Are they being considered in the order in which they appear in the bill?

The VICE-PRESIDENT. They are considered in the order in which they appear in the bill.

Mr. PROCTOR. I understand that it is the minor amendment on page 41, striking out "fifty-seven thousand three" and inserting "fifty-six thousand eight," that is first under consideration.

The VICE-PRESIDENT. That amendment is now under consideration. The question is on agreeing to the amendment.

Mr. GALLINGER. What is the amendment?

The VICE-PRESIDENT. The amendment is on line 13, page 41. The committee amendment strikes out "fifty-seven thousand three" and inserts "fifty-six thousand eight," correcting the total.

The amendment was agreed to.

The VICE-PRESIDENT. The Chair calls the attention of the Senator from Vermont to the fact that the total in lines 15 and 16 on page 42 has not been agreed to. The amendment will be stated.

The SECRETARY. On page 42, lines 15 and 16, in the total for Forest Service, strike out "three hundred and ninety-nine" and insert "nine hundred;" so as to read:

Total for Forest Service, \$1,900,000.

Mr. PROCTOR. I understand the addition of \$1,000,000 has been agreed to. I suppose the Secretary can correct the totals.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. HEYBURN. I rise to the last amendment that has not yet been announced by the Chair, on page 42, lines 15 and 16.

The VICE-PRESIDENT. That is the pending amendment. The question is on agreeing to the amendment.

Mr. HEYBURN. Mr. President, this amendment relates to the one that was just passed upon and upon which I called for the yeas and nays. I desire to give notice that before any vote is taken upon the amendment adding \$1,000,000 to the amount stated in lines 12 and 13, on page 41, I shall ask that the Senate shall be present and that a vote by yeas and nays shall be taken on that amendment, because we have not been discussing this question for several days here in vain or merely for the purpose of talking. We desire that the Senate shall pass upon that amendment, and that the Senate shall be present when it does pass upon it.

Mr. PROCTOR. This is a committee amendment, and of course it can come up in the Senate.

Mr. HEMENWAY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Indiana?

Mr. PROCTOR. I do.

The VICE-PRESIDENT. Does the Senator from Indiana rise to the amendment on page 42?

Mr. HEMENWAY. I rise to make an inquiry. On line 24, page 41, I understand \$1,000,000 has been added to the appropriation.

The VICE-PRESIDENT. One million was added in line 12, page 41.

Mr. HEMENWAY. On page 42, in lines 2 and 3, the appropriation of \$1,000,000 recommended by the committee was stricken out by action of the Senate, and the House provision appropriating \$500,000 was restored. Has any change been made in that?

The VICE-PRESIDENT. No change has been made.

Mr. PROCTOR. Not any; there is not any proposed.

Mr. HEYBURN. The Senate added it on and doubled the appropriation in another place.

The VICE-PRESIDENT. The question is on agreeing to the amendment in lines 15 and 16 on page 42.

Mr. CLAY. I do not know that I exactly understand these amendments. On page 41, line 12, before the words "seven hundred and fifty-six thousand eight," we have inserted "one million." Is that correct?

Mr. PROCTOR. That is correct.

Mr. CLAY. Then on line 24 of the same page the appropriation still stands at \$900,000?

Mr. PROCTOR. I understand that the total there for salaries and general expenses is to be corrected by the Secretary. Am I right about that?

The VICE-PRESIDENT. The Secretary has no authority to make the change. It is an amendment that must be moved and voted upon in the Senate.

Mr. PROCTOR. I move, then, to make it conform to the amendment in line 24 and that "one million" be inserted.

Mr. HEYBURN. On what page is that?

Mr. CLAY. Page 41.

Mr. PROCTOR. Line 24.

The SECRETARY. Before the words "nine hundred" in the committee amendment on page 41, line 24—

Mr. CLAY. With the chairman's permission, I do not catch exactly what we are doing. If that amendment is adopted, I desire to ask the Chair whether the appropriation on page 42, line 3, will stand at \$1,000,000 or \$500,000?

Mr. PROCTOR. It stands at \$500,000.

Mr. CLAY. I wish to ask if we are adding \$1,000,000 to this appropriation. I was not present the entire session this evening while the discussion was going on. I should like to ask the chairman what becomes of the money realized from the sale of timber, etc.?

Mr. PROCTOR. After the 1st day of July it all goes into the Treasury.

Mr. CLAY. I presume, then, this appropriation of \$1,000,000 is added for the purpose of taking its place?

Mr. PROCTOR. It is.

Mr. CLAY. I think I catch the idea of the amendment.

The VICE-PRESIDENT. The Senator from Vermont proposes an amendment changing the total in line 24, page 41, which will be stated.

Mr. HEYBURN. Mr. President, if these large gross sums are to be insisted upon I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Dolliver	Heyburn	Proctor
Beveridge	Dubois	Kean	Rayner
Burkett	Frazier	Kittredge	Scott
Carter	Fulton	Knox	Simmons
Clark, Wyo.	Gallinger	Lodge	Stone
Clay	Gamble	Long	Warren
Culberson	Hansbrough	Patterson	
Curtis	Hemenway	Piles	

The VICE-PRESIDENT. Thirty Senators have answered to their names. A quorum is not present.

Mr. LODGE. I ask that the absentees be called.

The VICE-PRESIDENT. The Senator from Massachusetts requests that the absentees be called.

The Secretary called the names of the absent Senators.

Mr. DOLLIVER. I wish to state that my colleague [Mr. ALLISON] is necessarily detained from the Senate this evening.

Mr. LODGE. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE-PRESIDENT. The Sergeant-at-Arms will execute the order of the Senate.

Mr. SCOTT. I think it is only proper to state that there are Senators detained at home who are sick. The Senator from Illinois [Mr. HOPKINS] is at my hotel, and I know he is not able to come out, and I know the Senator from Nebraska [Mr. MILLARD] is not able to be here.

Mr. LODGE. The Sergeant-at-Arms is, of course, aware of that.

Mr. GALLINGER. And the Senator from Colorado [Mr. TELLER].

Mr. SCOTT. Yes; the Senator from Colorado [Mr. TELLER]. After a delay of several minutes,

Mr. GALLINGER. Mr. President, it is now almost 9 o'clock, and sixteen Senators would have to be added to the list to make a quorum. I move that the Senate adjourn.

Mr. KEAN. I trust the Senator will not insist on that motion.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 8 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 23, 1907, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 22, 1907.

The House met at 11 o'clock a. m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, our Heavenly Father, for all the manifestations of Thy wisdom, power, and goodness round about us, but especially for those qualities of mind and soul which in great crises lift men above the sordid, above the selfish, and make them Godlike; that such a man was our revered Washington; strong in his intellectual gifts, strong in his moral character, strong in his fidelity to truth and justice, pure in his religious aspirations; a soldier, a statesman, a high-minded Christian gentleman whom we delight to call the "Father of his Country." He lived well, wrought well, and died beloved by a nation and respected and honored by all the world. Shine on, O soul divine, in thine immortal glory, that generations to come may copy thy virtues and emulate thy example. Hear us, our Father, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

QUESTION OF PERSONAL PRIVILEGE.

Mr. CLARK of Florida. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. There are some conference reports and matters on the Speaker's table that are of the highest privilege. If the gentleman from Florida will withhold his question of privilege temporarily, the Chair will recognize him later.

APPEALS IN CRIMINAL PROSECUTIONS.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to call up House bill 15434, with Senate amendments, and ask that the House disagree to the amendments of the Senate and ask for a conference.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to call up the bill of which the Clerk will read the title, disagree to the amendments of the Senate, and ask for a conference.

The Clerk read as follows:

H. R. 15434. An act to regulate appeals in criminal prosecutions.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER appointed as conferees on the part of the House Mr. JENKINS, Mr. BRIDGALL, and Mr. DE ARMOND.

EXTENSION OF T STREET.

The SPEAKER laid before the House the bill (H. R. 5971) authorizing the extension of T street (formerly W street) NW., with a Senate amendment.

The Senate amendment was read.

Mr. BABCOCK. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

EXTENSION OF NEW HAMPSHIRE AVENUE, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (H. R. 23576) to provide for the extension of New Hampshire avenue,

in the District of Columbia, and for other purposes, with a Senate amendment.

The Senate amendment was read.

Mr. BABCOCK. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

INTERNATIONAL CONGRESS OF HYGIENE AND DEMOGRAPHY.

The SPEAKER laid before the House joint resolution 246, authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington, with Senate amendments.

The Senate amendments were read.

Mr. SULLIVAN. Mr. Speaker, I move that the House concur in the amendments of the Senate.

The motion was agreed to.

INCORPORATION OF BANKS IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the following request of the Senate.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6906) to provide for the incorporation of banks within the District of Columbia.

The request of the Senate was agreed to.

EXTENSION OF W AND ADAMS STREETS NW.

Mr. BABCOCK. Mr. Speaker, I desire to call up the conference report on the bill (S. 5119) authorizing the extension of W and Adams streets NW., and I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Wisconsin calls up the conference report on the bill S. 5119, and asks that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 5119, "An act authorizing the extension of W and Adams streets northwest," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

Strike out the matter inserted by said amendment, and on page 1, line 13, of the bill strike out the word "five" and insert in lieu thereof the word "four;" and the House agree to the same.

J. W. BABCOCK,

S. W. SMITH,

T. W. SIMS,

Managers on the part of the House.

J. H. GALLINGER,

H. C. HANSBROUGH,

Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The result of the conference report herewith submitted is that the House recedes from its amendment to the Senate bill and agrees to the same with an amendment cutting down the amount carried in the bill to be paid to the Prospect Hill Cemetery for the land taken to open the streets mentioned through the property of said cemetery. Under the terms of the bill neither the District of Columbia nor the United States will bear any portion of the expense involved, as the amount to be paid for the land taken will be assessed as benefits on property in that locality which will derive an advantage by reason of the improvement provided for in this measure.

J. W. BABCOCK,

S. W. SMITH,

T. W. SIMS,

Managers on the part of the House.

The conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 2926. An act for the relief of the heirs of John Smith.